Journal of the Senate

Number 22 **Wednesday, May 31, 1989**

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Excused: Senator Deratany, periodically

PRAYER

The following prayer was offered by the Rev. Jerry Straszheim, Lutheran Ministry in Christ, Coral Springs:

Merciful Father, we come to the beginning of yet another day, a day of your creation and design. We lift up our thoughts to you in gratitude for the night's rest that was ours and for the prospect of the day ahead. May we join our voices with that of the Psalmist who greeted his new day: "This is the day the Lord has made, let us rejoice and be glad in it." Yet our joy is tempered this morning with the sadness on the death of Representative Claude Pepper. We thank you for the long years of public service you granted him and for the many good works inspired and nurtured by him. We pause for a moment to lift up before you our own personal thoughts and prayers.

We thank you for the gift of self-government and for those persons elected to act on behalf of the people. Make us mindful that with the privilege of self-government goes the responsibility to exercise this in such a way that your people are served and your name is glorified.

We live in a state bursting with possibilities and opportunities. Decision making is not always easy or clear. Grant to this assembly a sensitivity to the needs of the people they serve, a courage to speak openly and honestly their convictions, patience in working with one another, a commitment to lay aside personal prejudices and petty differences to work for that which is right and just, and the energy to expend themselves in faithful service.

You have so clearly spoken your intent for your leaders through the Prophet Amos: "Let justice roll down like waters and righteousness like an everflowing stream." Or again through the Prophet Micah: "Do justice, love kindness and walk humbly with your God."

We ask all of this in your holy name. Amen.

Memorial Resolution

On motion by Senator Gordon, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Crawford, Bankhead, Beard, Brown, Bruner, Casas, D. Childers, W. D. Childers, Crenshaw, Deratany, Dudley, Forman, Gardner, Girardeau, Gordon, Grant, Grizzle, Jennings, Johnson, Kirkpatrick, Kiser, Langley, Malchon, Margolis, McPherson, Meek, Myers, Peterson, Plummer, Ros-Lehtinen, Scott, Souto, Stuart, Thomas, Thurman, Walker, Weinstein, Weinstock and Woodson-Howard—

SR 1561—A resolution expressing regret at the death of Congressman Claude Denson Pepper.

WHEREAS, Claude Denson Pepper served this state with distinction during 60 years of selfless public service, and

WHEREAS, Claude Denson Pepper was the staunchest defender of this nation's Social Security System and the most vigilant guardian of the interests and welfare of its elderly, and

WHEREAS, Claude Denson Pepper set an example for public service by continuing to work toward his goals and for the interests of his constituency until his death at the age of 88, and

WHEREAS, Claude Denson Pepper was truly a man whose quest for excellence and service set the standard for all, and

WHEREAS, by his vigilance, his tenacity, his compassionate deeds, and his example, he has earned the undying respect of the nation, and

WHEREAS, because of Claude Denson Pepper's outstanding service to his country, President Bush awarded him the Presidential Medal of Freedom, the highest honor that can be bestowed upon a civilian, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of this great public servant who served this state and nation so well, so admirably, and for so long, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to Claude Denson Pepper, and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

IN MEMORIAM
Claude Denson Pepper

Claude Denson Pepper was born in Chambers County, Alabama, on September 8, 1900; was educated in the Alabama public school system; was graduated from the University of Alabama; studied law at Harvard University; and was admitted to The Florida Bar in 1925. He practiced law in Perry and served as a member of the Florida House of Representatives in 1929. He commenced practicing law in Tallahassee in 1930 and served on the State Board of Public Welfare and the State Board of Bar Examiners prior to being elected to the United States Senate to fill the vacancy caused by the death of Senator Duncan U. Fletcher. He served in the United States Senate from 1936 to 1951. After an unsuccessful bid for renomination in 1950, he engaged in the practice of law at Miami Beach, Coral Gables, Tallahassee, and Washington, D.C. He was subsequently elected to the Eighty-eighth Congress and to the 12 succeeding Congresses and served as a member of the United States House of Representatives from 1963 until his death.

While in the United States Senate, he served on the Senate Committee on Patents and the Senate Committee on Inter-Oceanic Canal and the Subcommittee on the Middle East. In the House, he served on the Select Committee on Crime, the Select Committee on Aging, and the Committee on Rules.

During a public service career which spanned 60 years, Claude Denson Pepper received numerous accolades, including honorary degrees from Baylor University, Barry University, Salem College, Florida State University, and Georgetown University. Despite the time he devoted to his public service career, he found time to serve in civic and fraternal organizations, including Phi Beta Kappa, Kappa Alpha, Omicron Delta Kappa, Sigma Upsilon, Phi Alpha Delta, Gold Key, Florida Blue Key, Bob Hope Village for Air Force Enlisted Widows, National Parkinson Foundation, American Legion, Masonic Lodge, Shrine Club, Elks Club, and Moose Lodge.

Claude Denson Pepper was married to Mildred Webster, who predeceased him. He is survived by a brother, Frank Pepper of Tallahassee.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Mr. Frank Pepper, brother of Claude Denson Pepper, as a tangible token of the sentiments expressed herein and as a lasting symbol of the respect of the members of the Florida Senate.

On motion by Senator Gordon, SR 1561 was read the second time in full and adopted.

On motion by Senator Weinstein, the following remarks were published in the Journal:

Senator Gordon: Mr. President, this is a speech that I never wanted to make. We are in a very singular place in the history of this state by virtue of Claude Pepper's life and death. I think it is important for us to note not only the passing of Claude Pepper but an era. This person was involved very much in the Roosevelt Administration and the New Deal.

He fought for a way to prepare the United States for the war in Europe. You know he was hanged in effigy in front of the British Embassy in 1940 because he proposed and was a strong advocate for providing, as I recall, fifty destroyers to Great Britain to augment their Navy. And he lost an election that is still talked about in political circles in this State. I remember that election very well. It was the first statewide election that I, personally, participated in.

I used to go around Dade County debating an issue which you have heard me speak of on occasion, namely National Health Insurance, which was one of the major factors in his defeat, because physicians from all over the country contributed to George Smathers' campaign. That played a major financing part in the campaign, because Pepper dared to support a significant proposal for National Health Insurance. It was only twenty-five years later that we got as far as Medicare and Medicaid.

I recall vividly a speech by Lyndon Johnson when he was Vice-President and came to help Claude Pepper—which was odd—in an election in the early sixties. Lyndon Johnson talked about how important it was to him when he was re-elected to the Senate by seventy votes, a count which probably is still disputed in Texas, but he was elected by seventy votes, and recalled Pepper's coming out and campaigning for him. There are political people all over this country still around who will recall with great gratitude because he was the most popular person and one that every Democrat who had any problems asked for before they asked for anyone else. I was a business associate of his for over thirty years, and a friend, and we saw each other a lot. I've been reflecting in the last day or two some of the ways in which that relationship has influenced me. One of the things that I always remember Pepper telling me years ago when we were in Washington on some personal business and he enlisted the help of John Bricker, who was Senator from Ohio, and one of the most conservative Republicans that probably ever served, but he was very, very helpful to Pepper, because they liked each other.

Pepper said, "You know there's only one man who I ever served with that I couldn't have a pleasant, or at least a civil relationship with, and that was Senator Bilbo."

Some of you may remember, at least from your history books, that the worst racist senator in this century was Theodore Bilbo from Mississippi. He was a thoroughly obnoxious person according to Claude and was just the one man that he could never even greet with any degree of friendship. But there wasn't anyone else.

There are relationships at personal levels that are or have absolutely nothing to do with politics; something very hard for people outside of politics to understand.

The other thing I think we ought to note is what it means to devote yourself to public service. We have a citizen legislature. Most all of us have other occupations beside serving in the legislature. But here was a man who from the very beginning was a very, very competent lawyer, was an honor graduate of Harvard Law School, worked his way through the University of Alabama shoveling coal in the furnaces, and incidentally, at the next furnace was John Sparkman, who later became Senator from Alabama. But he always wanted to serve. You probably have read that story about how he carved on the tree, "age 10, Claude Pepper, U.S. Senator." That's something he always wanted to do. But devotion to public service I see lessening, and public office is not the ambition of bright young people, certainly at age 10 because in a lot of ways we have permitted, and we probably contributed to a degrading of public service. One of the things we can learn from his life is that there isn't a higher calling than serving the public good, from the perspective and the position of a public office holder. And while many of us, at some point or other, didn't agree with something or other that Claude Pepper advocated, I don't think anybody ever questioned his motive or mistook anything he did as anything other than a desire to serve people; and he would go a long way out of his way to do that.

And he had very good political instincts. I'll just tell you one story I remember that I heard from Hubert Humphrey.

Humphrey came to the Senate just as Pepper was defeated. He came to Washington about a month or two before to look around and see what was happening, and somebody sent word to him that Senator Pepper wanted to see him and give him some advice. Humphrey was all pumped up that the great Senator Pepper had taken note of this freshman coming to Washington. Pepper was on the Foreign Relations Committee. He was going to get a real briefing on what was really going on in the world. He was going to get a good foreign relations briefing. So he came to Pepper's office and Pepper said, "Look, there are really just two things that I want to tell you. The first thing is answer every letter you get on the day you get it. And the second thing is, speak at as many high school graduations as you can because when they grow up they will vote for you."

That was the foreign relations briefing of Hubert Humphrey by Claude Pepper.

I'll close by saying this: there's a little parable in the Talmud that says, "When the ship leaves port, there's a big celebration and people wave and there are banners and so on and flags waving as the ship leaves. But when the ship comes back, it comes back in relative anonymity."

There's nobody there. But isn't that the reverse of the way we ought to treat people. It's not when they are born. It's after the voyage and especially after as magnificient a voyage as Claude Pepper's life is; that's when we ought to celebrate. The fact that life can have that kind of meaning and can have that kind of purpose and can mean so much to all the people. Thank you, Mr. President.

Senator Ros-Lehtinen: Thank you, Mr. President, members. Just to echo those beautiful words of Senator Gordon and just to let the members know how a lot of the refugees feel about Representative Pepper and what he has meant to us. One of the first Congressmen who helped the Cuban refugees when we started to come into this wonderful country in 1960 was Claude Pepper. He was the man who we could always turn to to help us to find adequate housing, to find jobs, to get some immigration reform, to get us the help that we needed so that we could become valuable citizens contributing to this great democracy, in this wonderful free enterprise system.

We always found in Claude Pepper an open door and a willing ear, ready to listen to our concerns, and he continued that concern to the new recent immigrants to this country, the Nicaraguan refugees, the Haitian refugees. We always found in Claude Pepper a friend and a willing member for our great community, helping us in all of our struggles.

It is a great loss, not only to the nation and to Florida, but especially to our community in Dade County. He's been a friend of the downtrodden, a friend of the minorities, a friend of the refugees and a person who will be greatly missed by all of us.

Senator Meek: Mr. President and members of the Senate, as a black American and one who is very, very proud of her country and very, very proud of her race and of her color and of her creed, I stand here to say that I echo what the other two Senators have said, but I want to add a new dimension to what each has said. That is that Claude Pepper was a representative who served all of the people. He was one that was not afraid when someone challenged the rights, the civil rights, of someone else. He did not worry about party. He did not worry about color. He did not worry about creed. He wanted to protect everyone and he became very unpopular because of this.

There were many people who called him names and labeled him. But as God would have it, it did not hurt Claude Pepper. Claude Pepper went on and continued his record of being good to everyone.

There are some black people on 54th Street in Miami this morning who are very saddened as I am about Claude Pepper's death. He did things in our community that no one else dared to do. He went to Washington. He brought back housing. He brought back jobs. He talked about it. He did it. He not only talked, but he practiced his creed and, of course, we all are very saddened by his death.

I hope that anyone who replaces Claude Pepper, anyone, remembers that he stood where no one else would stand when some of us who looked like me were not getting their just rights. Thank you, Mr. President.

Senator Forman: I had the honor and the privilege in the summer of 1964 to get a congressional internship, and it was in the office of my Congressman, Claude Pepper, because I grew up in Miami. I'll never forget that summer. I was there for about three months. That was the year when the Civil Rights Act was passed. It was like nine months after the assasination of President John Kennedy. That's the year Medicare was passed, and they first started talking about the war on poverty.

I remember that Senator Pepper—although he was a Congressman, he'll always have the title of Senator—was in the forefront of all those and many other issues. And he was very devoted to his constituents. If a little person came in to see him with a problem and even if there was an influential lobbyist sitting in the hall he would always see that little guy first because he was a constituent and he had to help them out.

When you think back on it, Claude Pepper was the kind of a person that helped make many of us who we are and influenced us to get into public service and serve. It was really in the summer of 1964, in Washington, I was bitten by the political bug. And I took a vow that I'm going to serve the public to the best of my ability.

We're all going to miss a very great statesman. He was not only champion to the elderly but to all people in America. Thank you.

Senator Thomas: Mr. President, we saw a lot of him here in Tallahassee. He will be interred here with his wife, Mildred, that he loved so much. She traveled with him and was his real helpmate in life. I learned at an early age, by an experience that there were two things you do not talk about very much. One was you didn't go to Gulf County and talk about moving the courthouse out of Wewahitchka at all. That was bad news. The other one was not to talk about the Pepper-Smathers race. There are still families not as close as they should be because of that campaign. Brothers were divided, families were divided. One of the things I always looked forward to was his visits here to the Senate where I would listen to his speeches. You can't imagine someone so fluent that goes to that podium year after year and never bores anyone by his remarks.

I represented Taylor County in the House when I first arrived in the Legislature. He would never fail to mention back in those days that, "I used to sit right down there where Pat Thomas is," and he'd talk about the red hills of Alabama and the pulp-wooding in Taylor County. He was truly a man who became a legend in his own time.

Recently Governor Collins had a birthday party with many friends and one of the speakers said that a public official is never properly evaluated while he's serving, but acknowledgement of his stewardship to mankind comes after he's gone. Maybe so with Pepper, but I think he might have been the exception. His stewardship has been evaluated with the highest marks we could give public officials.

And I share the sadness of all of you who have known him personally and tell you and the public, we'll miss him in the coming years. Thank you, Mr. President.

Senator Girardeau: Thank you, Mr. President. Senators, I guess like most of you I'm very saddened by the loss of one of our eldest statesmen, Senator Pepper. I had a very close attachment to Senator Pepper, because as a little boy, I learned a lot about him because I think he began his career about the year that I was born—his public career—about 1929. I think he was from Taylor County at the time. I think the bitter fight that sort of led to him becoming Congressman Pepper occurred about 1951.

Senator Pepper had two things that were prominent in his life and the first has already been spoken to, about his attitude toward human justice, and early in life it was demonstrated and he was elected by a popularity from the Florida government into the national government as Senator. But then, his stand on human justice, played a major role in his defeat, of then "Senator" Pepper and he became "Congressman" Pepper.

When you stop and look back over it, his reign in that particular area, and I call it a "reign" because it extended over something like four decades, Congressman Pepper became the champion of not only human rights, which he was doing ahead of its time back in the late forties, early fifties, but he became the champion of the elderly people of this country, and health care became his major issue.

I think that all of us will have to remember Congressman Pepper, or Senator Pepper, as we like to continue to think of him because once a Senator always a Senator.

He came back here every year. Until this year he did not miss one year of returning to this Legislature.

Senator Pepper is to me one of the greatest statesmen this state has ever produced. And, of course, the elderly people of this state have really lost a champion. I don't know who is going to replace him in that stand because he was looked upon as the champion of the elderly. And as I look around, you must think yourself that you're going to soon be at the age where you will be one of those elderly people and, therefore, you must remember to always think in terms of doing the best that you can for them. Thank you Mr. President.

Senator Langley: Mr. President, I think there should be some bipartisan contribution to this. Claude Pepper was a great American who some 60 years ago came to the Florida Legislature. He and I were probably millenniums apart in philosophy, but you have to respect the man for the courage and determination he has had over the years and particularly his effectiveness in what he was doing.

Last summer when we had the big commercial battle on Amendment 10, I tell you quite frankly, it became a fight between the lawyers and the doctors, and the lawyers were losing the fight until Claude Pepper stepped in. Then over a period of about four days the polls showed the expression of the people in this state swung some 15 percent once he came on the screen. It was a very effective thing and again, although we didn't share a lot of political philosophy, he'll always have my respect. Thank you.

Senator Margolis: Just as Senator Gordon, Senator Meek and Senator Ros-Lehtinen, Claude Pepper shared my district too. My district is an elderly district, and he was their hero. When he walked in it was like a movie star walked in. Many times I campaigned with Claude Pepper and nobody was interested in anything but what Claude Pepper said in my district. A good man, and he'll be missed.

Memorial Ceremony

The President announced that Congressman Claude Pepper had been chosen by the Tallahassee Easter Seal Society to receive the Tallahassee National Achievement Award which was created to honor local citizens who achieve national recognition in their chosen field of endeavor.

The President introduced the following representatives of the Society: Tobi Rosenstein, executive director of the Tallahassee Easter Seal Society; and Dean Rhinehart, chairman of the Tallahassee National Achievement Awards dinner; and portrait artist Edward Gordon.

At the request of the President, Senator Girardeau escorted the guests to the rostrum where Mrs. Rosenstein addressed the Senate as follows:

Mrs. Rosenstein: As you have just been told, the Tallahassee National Achievement Award was created by the Easter Seal Board of Directors to honor citizens who achieve national recognition in their chosen field, thereby enriching our community. Each year an individual is chosen for this award by a committee of prominent Tallahassee citizens.

The recipient of Tallahassee Ninth Annual National Achievement Award is the Honorable Claude Denson Pepper.

Since he considered Tallahassee as one of his hometowns and has participated in our honoring of two of the former recipients of this award, he was delighted and most appreciative when he learned of the award.

Through his work for the rights of the elderly, and in his more than 50 years of service with the U.S. Senate and U.S. Congress, Claude Denson Pepper of Florida has molded a career characterized by excellence, creativity and innovation.

Senator Pepper has maintained his strong ties to this area and made frequent visits to see his brother Frank and his family residing here in Tallahassee. His beloved wife, Mildred, so loved this area that upon her death in March of 1979, she was buried in Tallahassee's Oakland Cemetery. We are here today to remember Senator Claude D. Pepper, a man whose career was characterized by excellence, creativity and innovation and his work for rights of the elderly and all individuals. We would now like to unveil our portrait of Senator Pepper, a man whose quest for excellence has set a standard for others to follow. We have with us today

the portrait artist, Mr. Edward Gordon. The portrait will be hung in the Tallahassee-Leon County Civic Center along with the portraits of the other former recipients. Thank you.

Portrait Unveiling

The President then requested Secretary Joe Brown and Sergeant at Arms Wayne Todd to unveil Congressman Pepper's portrait, which was painted by Mr. Gordon and will hang in the Tallahassee-Leon County Civic Center.

Consideration of Resolutions and Memorial

On motion by Senator Walker, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Walker—

SR 1562—A resolution commending the Suwannee County High School 1988-1989 Academic Tournament Team.

WHEREAS, the Suwannee High School 1988-1989 Academic Tournament Team won district and regional competitions, and

WHEREAS, the Suwannee County High School 1988-1989 Academic Tournament Team won the Florida High School Academic Tournament for Division Three, and

WHEREAS, the Suwannee County High School 1988-1989 Academic Tournament Team has brought honor and recognition to Suwannee High School, Branford High School, and Suwannee County, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Suwannee County High School 1988-1989 Academic Tournament Team members Adam Airth, Shane McCook, Justin Jernigan, Jamey Kirby, Robin Sandlin, and Doug Terry, under the direction of faculty sponsor Michael Pate, are commended for their outstanding accomplishments during the 1988-1989 academic year.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Suwannee High School 1988-1989 Academic Tournament Team as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Walker, SR 1562 was read the second time in full and adopted.

On motion by Senator Gordon, by two-thirds vote SM 158 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SM 158—A memorial to the United States Government, urging the government to donate the Naval Reserve Training Center site in Coconut Grove, Dade County, Florida, to Metropolitan Dade County or to the City of Miami to be used as a working center for the arts.

WHEREAS, the United States Navy will be vacating a 1-1/4-acre facility in Coconut Grove, Dade County, Florida, in the near future, and

WHEREAS, the Federal Surplus Property Act provides for the donation of surplus federal property to local governments for educational and recreational purposes, and

WHEREAS, the General Services Administration will be offering the property to other federal agencies and state and local governments before putting it on the market for sale, and

WHEREAS, the Navy site in Coconut Grove is an ideal location for a working center for the arts because of the site's excellent facilities and central location in Dade County, and

WHEREAS, the Council of Arts and Sciences of Metro-Dade has agreed to oversee the operation of the arts center, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the United States Government is urged to donate the Naval Reserve Training Center site in Coconut Grove, Dade County, Florida, to Metropolitan Dade County or to the City of Miami to be used as a working center for the arts for all citizens of Dade County, Florida.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the mayors of Dade County and the City of Miami, Florida.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House.

On motion by Senator Gordon, by two-thirds vote SR 289 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SR 289—A resolution commending the Distilled Spirits Wholesalers of Florida Educational Scholarship Foundation and the Wine and Spirits Distributors of Florida, Inc.

WHEREAS, the Distilled Spirits Wholesalers of Florida Educational Scholarship Foundation was chartered in 1969 to financially assist needy and worthy students in the pursuit of their career goals, and

WHEREAS, the scholarship foundation initially granted three scholarship awards for the 1969-1970 academic term, and its scholarship awards have expanded to serve the entire State University System, and

WHEREAS, the scholarship foundation has, during its 20-year history, awarded 404 full-tuition scholarships, and

WHEREAS, the trustees of the scholarship foundation have approved 40 full-tuition scholarship awards and three memorial scholarship awards for the 1989-1990 school year, and these scholarships are being awarded to students in 15 different fields of study at the nine state universities and the University of Miami, and

WHEREAS, Wine and Spirits Distributors of Florida, Inc., has provided the administrative support services necessary for the trustees of the scholarship foundation to assist scholarship recipients and universities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Distilled Spirits Wholesalers of Florida Educational Scholarship Foundation be congratulated on this, its 20th anniversary, and that both the scholarship foundation and the Wine and Spirits Distributors of Florida, Inc., be commended for their commitment to providing financial assistance to students in this state in order for them to achieve their educational and career goals.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. D. Jack Kugelman, founding member, and chairman of the trustees, of the scholarship foundation.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

Motions

On motion by Senator Grant, the House was requested to return CS for CS for HB 258.

On motions by Senator Scott, by two-thirds vote Senate Bills 1089 and 259 were placed on the special order calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 31, 1989: CS for SB 1177, CS for SJR 380, SB 1336, SB 1313, SB 1448, CS for SB 1223, CS for SB 1224, CS for SB 1225, CS for SB 676, CS for HB 877, CS for SB 1349, CS for SB 693, CS for SB 484, CS for HB 1245, CS for SB 993, SB 106, CS for SB 215, CS for SB 216, CS for SB 232, SB 278, HB 293, HB 1643, HB 1734, CS for CS for SB's 601, 1015 and 1095, CS for SB 508, SB 711, SB 1450, SB 135, SB 1210, CS for CS for SB's 481 and 314, CS for SB 1221, CS for SB 877, CS for SB 517, CS for CS for SB 1417, CS for SB 1211, CS for SB 898, CS for SB 1355, SB 681, CS for SB 787, CS for SB 1048, CS for SB 302, SB 485, CS for SB 1192, SB 373, CS for SB 1061, CS for SB 1279, SB 1364, SB 930, CS for SB's 846, 52 and 769, SB 687, CS for CS for SB 543, SB 440, CS for CS for SB 615, CS for SB's 1366 and 209, CS for SB 1295, CS for CS for SB 691, SB 772, SB 833, CS for CS for SB 1052, CS for CS for SB 1382, SB 51, SB 189, CS for SB 912, CS for CS for SB 265, CS for CS for SB 415

Respectfully submitted,
James A. Scott, Chairman

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Crenshaw—

SB 1558—A bill to be entitled An act relating to the City of Jacksonville; authorizing the council to grant, by ordinance, necessary powers to the Jacksonville Environmental Protection Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 245 and SB 269, which became law without his signature on May 31, 1989.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 110, HB 179, CS for HB 248, CS for HB 435, House Bills 566, 632, CS for HB 709, CS for HB 808, HB 1092, CS for HB 1112, CS for HB 1636, CS for CS for HB 1641; has passed as amended CS for HB 395, HB 423, CS for HB 481, CS for CS for HB's 497 and 88, CS for HB 573, House Bills 797, 835, CS for HB 993, CS for HB 1082, CS for HB 1111, HB 1157, CS for HB 1226, CS for HB 1305, CS for HB 1509, HB 1534, CS for HB 1730, HB 1781, CS for CS for HB 1810, CS for HB 1818; has adopted HM 1596, HM 1821; has adopted CS for HJR 2 by the required Constitutional three-fifths vote of the membership of the House and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Select Committee on Claims and Representative Silver—

CS for HB 110—A bill to be entitled An act for the relief of Stella Yamuni, as adoptive mother, next friend and guardian of Sean Yamuni, a minor; providing an appropriation to compensate for injuries sustained by him through the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Special Master and the Committees on Finance, Taxation and Claims; and Appropriations.

By Representative Troxler (by request)—

HB 179—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the relief of Donald J. Griffin to compensate him for severe personal injuries sustained as a result of the negligence of the city; providing for appropriation of funds and payment thereof by the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By the Committee on Health and Rehabilitative Services; and Representatives Bloom and Cosgrove—

CS for HB 248—A bill to be entitled An act relating to epilepsy; amending s. 385.207, F.S.; providing that revenues for implementation of epilepsy prevention and education programs shall be derived from a surcharge on certain civil penalties; creating the Epilepsy Services Trust Fund and providing for investment of funds; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Health Care; Finance, Taxation and Claims; and Appropriations.

By the Committee on Education and Representatives Long and Ireland—

CS for HB 435—A bill to be entitled An act relating to education; amending s. 236.25, F.S.; increasing the authorized millage levy for capital outlay purposes; amending s. 235.435, F.S.; revising funding provision of the Special Facility Construction Account; providing an effective date.

—was referred to the Committees on Education; Finance, Taxation and Claims; and Appropriations.

By Representatives Brown and Ritchie—

HB 566—A bill to be entitled An act relating to housing for the elderly; amending s. 420.5087, F.S.; requiring the Florida Housing Finance Agency of the Department of Community Affairs to reserve a specified amount of the program funds of the State Apartment Incentive Loan Program to provide mortgage loans for specified repairs and improvements of housing for the elderly; specifying a maximum loan amount, interest rate, and loan term; requiring a sponsor to match a specified percentage of the loan amount; requiring the agency to establish a procedure for applying for such a loan; prohibiting a sponsor from using loan proceeds for certain purposes; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By Representative Gutman—

HB 632—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Paulette Sue, to compensate her for the loss of employment, pain and suffering occasioned by the Metro-Dade Transit Authority; providing for payment by Metropolitan Dade County, a political subdivision of the State of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By the Committee on Appropriations and Representative Gordon—

CS for HB 709—A bill to be entitled An act relating to state lands; amending s. 253.033, F.S.; revising language with respect to the Inter-American Center property to provide an exclusion to the requirement of the immediate transfer of a certain portion of "the Graves tract" reserved for right-of-way; providing for the transfer of certain lands within "the Graves tract" to the City of North Miami; providing that the city shall not be required to pay monetary consideration; providing an effective date.

(Substituted for CS for SB 517 on the special order calendar this day.)

By the Committee on Appropriations and Representative Crotty—

CS for HB 808—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program; revising definition of qualified beneficiary; revising provisions relating to the comprehensive investment plan; revising a reporting date; authorizing the Prepaid Postsecondary Education Expense Board to establish a direct support organization and providing requirements thereof; exempting funds of the organization from certain requirements; providing an exemption from public records requirements for certain organization records; providing for future review and repeal; providing for endorsement of insurance coverage and issuance thereof; revising provisions relating to refunds; revising provisions relating to dormitory residence plans; authorizing additional product providers; revising provisions relating to exercise of benefits under certain circumstances; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By Representative Cosgrove—

HB 1092—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Roy Ysla, as guardian for Viola Ericka Ysla, an incompetent, and Roy Ysla, individually, for injuries sustained by Viola Ericka Ysla through the negligence of Metopolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative King and others—

CS for HB 1112—A bill to be entitled An act relating to criminal penalties; creating s. 775.085, F.S.; providing for reclassification of penalties when a felony or misdemeanor evidencing prejudice is committed; providing criminal penalties; providing for civil remedies and injunctive relief; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Judiciary-Civil.

By the Committee on Community Affairs and Representative Nergard—

CS for HB 1636—A bill to be entitled An act relating to the Florida Energy Conservation Standards Act; amending s. 553.971, F.S.; authorizing the Department of Community Affairs to establish fees for certification of models under said act; providing an effective date.

—was referred to the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

By the Committees on Rules and Calendar; and Agriculture; and Representatives Abrams and Sindler—

CS for CS for HB 1641—A bill to be entitled An act relating to animal industry; amending and renumbering s. 585.195, F.S.; providing requirements for inoculation and deworming of dogs and cats transported into the state for sale or offered for sale within the state; revising provisions relating to health certificates for such dogs and cats; providing for use and retention of certificates; providing an age requirement; providing remedies for a consumer who purchases an unfit animal from a pet dealer; requiring a veterinarian's certification; providing certain rights of pet dealers and consumers; requiring certain notice to consumers; defining "pet dealer"; prohibiting certain misrepresentation of a dog or cat offered for sale within the state; providing a penalty; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Regulated Industries and Representatives Sindler and Silver—

CS for HB 395—A bill to be entitled An act relating to the sale of cigarettes and tobacco products; creating s. 859.061, F.S.; requiring the posting of a sign in certain places of business which states that the sale of cigarettes and tobacco products to minors is prohibited; providing for enforcement; providing a penalty; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries and Appropriations.

By Representative Rehm—

HB 423—A bill to be entitled An act relating to ad valorem taxes; amending s. 196.011, F.S.; providing that initial or original homestead exemption applications may be filed with the property appraiser at any time during the year; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Insurance and Representative Frankel—

CS for HB 481—A bill to be entitled An act relating to insurance; amending s. 627.6406, F.S., requiring individual health insurance policies providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 627.6515, F.S., requiring out-of-state group health insurance policies providing coverage for maternity care to provide coverage for the services of nurse-midwives, midwives, and birth centers; amending s. 627.6574, F.S., requiring group, blanket or franchise policies of health insurance providing coverage for maternity care to provide coverage for services provided by birth centers; amending s. 641.31, F.S., requiring health maintenance organizations providing benefits for maternity care to offer to subscribers, as an option, the services of nurse-midwives, midwives, and birth centers; prohibiting the Department of Health and Rehabilitative Services from contracting with certain entities for Medicaid services; amending s. 627.659, F.S.; revising language with respect to insurance coverage of spouses or dependent children of an insured student; revising language with respect to newspaper delivery persons; creating s. 627.6551, F.S.; providing for the issuance of group health insurance and blanket health insurance policies to certain teacher and student groups; authorizing insurance of spouse, dependent children, parents or siblings; providing for review and repeal; providing an effective date.

—was referred to the Committee on Insurance.

By the Committees on Appropriations and Criminal Justice and Representative Silver and others—

CS for CS for HB's 497 and 88—A bill to be entitled An act relating to firearm purchases; creating s. 790.065, F.S., relating to the sale and delivery of firearms; requiring criminal history records checks; providing fees; requiring the Department of Law Enforcement to establish toll-free numbers; establishing procedures; providing exemptions; providing penalties; providing for review and repeal; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Flagg and others—

CS for HB 573—A bill to be entitled An act relating to assault weapons; creating the Commission on Assault Weapons; providing for membership of the commission; providing purpose; providing for the commission to make recommendations relating to the unlawful usage of assault weapons in the state; amending s. 775.087, F.S.; providing a minimum sentence for possessing certain firearms during the commission of specified offenses; providing definitions; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Rules and Calendar.

By the Committee on Emergency Preparedness, Military and Veterans Affairs; and Representative Reddick and others—

HB 797—A bill to be entitled An act relating to veterans; creating chapter 296, F.S.; creating the "Veterans Home of Florida Act"; providing definitions; providing for maintenance and operation of a state veterans home; providing for appointment of an administrator; providing duties and qualifications of the administrator; providing for bonds; providing for eligibility of residents and priority of admittance; providing for maintenance of health records and a general register; providing for member contribution to support; providing for disposition of money and property received or held by the home; requiring annual reports to the Governor, Cabinet and Legislature; providing for audit, inspections, and standards for the home; providing an effective date.

—was referred to the Committees on Community Affairs, Health Care and Appropriations.

By Representatives Gordon and Burke—

HB 835—A bill to be entitled An act relating to abuse of children or disabled or aged persons; amending s. 90.803, F.S.; allowing as evidence statements of certain victims who are aged persons or disabled adults; amending ss. 92.53 and 92.54, F.S.; authorizing videotaping and the use of closed circuit television in proceedings involving certain victims or witnesses who are aged persons or disabled adults; amending ss. 827.01 and 827.03, F.S.; defining "aged person," "disabled adult," and "aggravated abuse"; providing a penalty; amending ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, 409.175, 415.505, 787.01, 787.02, and 959.06, F.S.; conforming references; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Health and Rehabilitative Services.

By the Committee on Appropriations and Representative Lippman and others—

CS for HB 993—A bill to be entitled An act relating to state government; providing for definitions; creating the Executive Branch Lobby Registration Trust Fund; requiring persons who seek business with, or who seek to influence, state executive agencies to register with the Commission on Ethics; providing exceptions; providing for an annual registration fee; requiring expenditure reports; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing duties of agencies to ensure compliance; providing for rules; providing an appropriation and authorizing positions; providing penalties; providing limited nonseverability; amending s. 112.3141, F.S.; providing additional

standards of conduct for public officers and employees; providing definitions; providing penalties; providing an effective date.

—was referred to the Committees on Governmental Operations; Ethics and Elections; and Rules and Calendar.

By the Committee on Ethics and Elections; and Representative Ostrau and others—

CS for HB 1082—A bill to be entitled An act relating to ethics in open government; amending s. 11.142, F.S.; requiring legislative sessions and committee meetings to be open to the public; requiring certain legislators to make daily schedules available; providing for accessibility of certain meetings involving certain legislators; providing for conduct of meetings; providing that certain meetings between legislators and lobbyists shall be open to the public; providing for exclusive enforcement by the Legislature; creating s. 20.058, F.S.; requiring certain members of the executive branch of state government to make daily schedules available; requiring certain meetings involving such persons to be open and accessible to the public; amending s. 216.131, F.S.; requiring state agency budget-related meetings to be open and accessible to the public; requiring at least one public hearing during development of the Governor's recommended budget; creating the Open Government Sunshine Study Commission of 1989; providing for its membership and duties; providing for public hearings; requiring a report; providing an appropriation; amending s. 112.3141, F.S.; providing definitions; restricting lobbying activities by legislators, statewide elected officers, and certain employees; providing penalties; providing for prospective application; providing for definitions; creating the Executive Branch Lobby Registration Trust Fund; requiring persons who seek business with, or who seek to influence, state executive agencies to register with the Commission on Ethics; providing exceptions; providing for an annual registration fee; requiring expenditure reports; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing duties of agencies to ensure compliance; providing for rules; providing an appropriation and authorizing positions; providing penalties; providing limited nonseverability; providing effective dates.

—was referred to the Committees on Ethics and Elections; Rules and Calendar; and Appropriations.

By the Committee on Criminal Justice and Representative King and others—

CS for HB 1111—A bill to be entitled An act relating to crime information; creating the Hate Crimes Reporting Act; requiring the acquisition and publication of data with respect to certain crimes; providing a limitation on the use and content of such data; requiring the Attorney General to publish an annual summary; providing an appropriation; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Representative Sansom—

HB 1157—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire the Mullet Creek Islands, North Key Largo Hammock, the North Key Largo project and North Key Largo Hammock additions by the exercise of the power of eminent domain; providing for compensation; prescribing a time limit for the filing of petitions; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By the Committee on Higher Education and Representative Young—

CS for HB 1226—A bill to be entitled An act relating to education; amending s. 231.0861, F.S.; directing the State Board of Education to include certain provisions for Superintendents, Assistant Superintendents, and Area Superintendents; providing that persons may be liable for certain damages, court costs, and attorneys' fees which are suffered by a university as a result of the violation of certain bylaws of the National Collegiate Athletic Association; providing that such damages may be used to create scholarships; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 240.402, F.S.; revising language with respect to the Florida Undergraduate Scholars' Fund; providing an additional criteria; amending s. 240.401, F.S.; revising eligibility criteria for state tuition vouchers; revising payment provisions; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; amending s. 240.4025, F.S.; revising student eligibility for scholarships from the Florida Graduate Scholars' Fund; revising departmental administration; amending s. 240.403, F.S.; revising student eligibility for scholarships from the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund: amending s. 240.404, F.S.; revising general requirements for student eligibility for state financial aid; providing a penalty; amending s. 240.4062, F.S.; revising student eligibility for loans from the Critical Teacher Shortage Scholarship Loan Program; revising repayment provisions; deleting certain funding requirements; providing technical revisions; amending s. 240.4064, F.S.; deleting certain funding requirements relating to critical teacher shortage tuition reimbursements; amending s. 240.4066, F.S.; revising student eligibility for loans from the Masters' Fellowship Loan Program for Teachers; deleting the mandatory provision of certification; amending s. 240.4068, F.S.; revising eligibility criteria for the "Chappie" James Most Promising Teacher Scholarship Loan Program; providing for reduction in loans under certain circumstances; revising provisions relating to loan repayment; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the Florida Public Student Assistance Grant Fund; deleting certain funding requirements; revising transfer provisions; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; creating the Florida Private Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; providing institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; creating the Florida Postsecondary Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; providing institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; amending s. 240.412, F.S.; revising student eligibility for scholarships from the Jose Marti Scholarship Challenge Grant Fund; amending s. 240.413, F.S.; revising student eligibility for Seminole and Miccosukee Indian Scholarships; amending s. 240.421, F.S.; revising provisions relating to council meetings and submission of council meeting minutes; amending s. 240.429, F.S.; requiring the department to maintain records on student loan default rates; requiring an annual report; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; revising required program analysis; amending s. 240.601, F.S.; revising student eligibility for certain work study funding; amending s. 240.604, F.S.; revising institutional expenditure authority relating to the public school work experience program; revising student eligibility for certain work study funding; amending ss. 295.01, 295.015, 295.016, 295.017, 295.018, and 295.019, F.S.; revising student eligibility for benefits relating to children of certain deceased or disabled veterans, prisoners of war, or servicemen who died or became disabled; amending s. 320.0808, F.S., to conform terminology; establishing the college reach-out program; providing grants to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining grants under the program; providing for the appointment of an advisory committee to recommend the order of funding proposals under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; amending s. 230.645, F.S.; authorizing school boards to establish a consumable supply fee for postsecondary students enrolled in certain programs or courses when the course or program expenditure exceeds revenue; providing effective dates.

(Substituted for CS for SB 1192 on the special order calendar this day.)

By the Select Committee on Claims and Representative Bloom—

CS for HB 1305—A bill to be entitled An act for the relief of Mirtha Schlussler, as the widow of William Schlussler and the intended beneficiary of his estate; providing an appropriation for the purpose of paying Mirtha Schlussler the retirement benefits earned by William Schlussler through his service as a Metropolitan Dade County police officer and member of the Florida Retirement System; providing an effective date.

—was referred to the Special Master and the Committee on Finance, Taxation and Claims.

By the Committee on Judiciary and Representative Lippman—

CS for HB 1509—A bill to be entitled An act relating to drug dependent newborns; amending s. 415.503, F.S.; providing a definition of the term "guardian advocate" for purposes of ss. 415.502-415.514, F.S.; creating s. 415.5082, F.S.; providing legislative findings respecting guardian advocates for drug dependent newborns; creating s. 415.5083, F.S.; prescribing procedures and jurisdiction; creating s. 415.5084, F.S.; providing for petitions for appointment of guardian advocates; creating s. 415.5085, F.S.; providing for process and service; creating s. 415.5086, F.S.; providing for hearing on appointment of a quardian advocate; creating s. 415.5087, F.S.; providing grounds for appointment of a guardian advocate; creating s. 415.5088, F.S.; establishing the powers and duties of a guardian advocate; creating s. 415.5089, F.S; providing for review and removal of a guardian advocate; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary-Civil; and Appropriations.

By Representative Guber—

HB 1534—A bill to be entitled An act relating to medical quality assurance; amending s. 768.13, F.S.; clarifying those medical practitioners who are immune from civil liability when providing care or treatment under certain circumstances; amending ss. 395.0115, 395.041, and 766.101, F.S.; limiting the civil immunity provided to licensed facilities and staff, peer review panels, internal risk managers, and medical review committees, with respect to their quality assurance activities, to those situations where malice, as well as intentional fraud, is not involved; reenacting ss. 395.041(8), 440.13(4)(d)8., 458.3315(8), 459.0155(8), 460.4104(10), 466.0283(8), 474.2141(8), and 641.55(8), F.S., relating to internal risk management programs, treatment programs for impaired practitioners, medical services and supplies, and peer review of chiropractic services and fees, to incorporate the amendment to s. 766.101, F.S., in references; providing an effective date.

—was referred to the Committees on Insurance and Judiciary-Civil.

By the Committees on Rules and Calendar; and Regulatory Reform; and Representative Rudd and others—

CS for HB 1730—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 427.011, F.S., providing definitions; amending s. 427.012, F.S.; changing the name of the Coordinating Council on the Transportation Disadvantaged to the Transportation Disadvantaged Commission; revising the composition of the commission; providing for election of the chairperson and vice-chairperson; providing for removal of members for cause; authorizing the commission to employ staff; assigning the commission to the office of the Secretary of the Department of Transportation for administrative purposes only; providing for development and submittal of a budget; amending s. 427.013, F.S.; revising the purpose and increasing the responsibilities of the commission; creating s. 427.0135, F.S.; prescribing the responsibilities of member departments in carrying out the policies and procedures of the commission; amending s. 427.015, F.S.; revising the powers and duties of metropolitan planning organizations and designated official planning agencies in coordinating transportation for the transportation disadvantaged; creating s. 427.0155, F.S.; prescribing the powers and duties of community transportation coordinators; creating s. 427.0157, F.S.; providing for the establishment of coordinating boards; prescribing the purposes and responsibilities of such boards; creating s. 427.0158, F.S.; providing for the use of school buses and public transit service for the transportation of the transportation disadvantaged; creating s. 427.0159, F.S.; establishing the Transportation Disadvantaged Trust Fund in the State Treasury; prescribing the uses of funds deposited in the trust fund; amending s. 427.016, F.S.; providing for the expenditure of local government, state, and federal funds to purchase transportation services for the transportation disadvantaged; amending s. 320.03, F.S.; assessing an additional fee on certain motor vehicle registrations; requiring that such fees be deposited in the Transportation Disadvantaged Trust Fund; amending s. 320.10, F.S.; exempting from the payment of license taxes certain motor vehicles used exclusively to transport transportation disadvantaged persons; exempting from the payment of license taxes certain motor vehicles used by the urban league for transporting persons in need of such service; repealing s. 427.014, F.S.; relating to duties of the Department of Transportation; repealing s. 427.018, F.S., which provides for the expiration of ss. 427.011-427.018, F.S., on October 1, 1989; providing for the future repeal of ss. 427.011-427.018, F.S., relating to transportation services for the transportation disadvantaged; providing for legislative review in advance of said repeal; providing an effective date.

(Substituted for CS for SB 232 on the special order calendar this day.)

By the Committee on Regulatory Reform and Representative Morse—

HB 1781—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; revising provisions relating to the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; increasing the term of office; providing additional duties; providing that new members of district committees shall be provided with certain instruction and materials; providing additional duties of the department; saving s. 20.19(9), (10), and (11) from repeal; modifying membership terms and meeting procedures with respect to the program office advisory councils within the department; providing for dissolution of councils under specified circumstances; providing for removal of members; saving s. 20.19(8), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

(Substituted for CS for SB 693 on the special order calendar this day.)

By the Committee on Rules and Calendar; and the Select Committee on STOP Crime; and Representative Langton and others—

CS for CS for HB 1810—A bill to be entitled An act relating to serious offenders; creating ch. 953, F.S., the Serious Targeted Offender Program; providing a short title; providing legislative findings, purpose, and intent; providing definitions; requiring the Department of Corrections to contract for the provision of assessment and treatment providers and services for adult and juvenile targeted offenders and for evaluation of the Serious Targeted Offender Program; providing components of the serious targeted adult and juvenile offender programs, including removal of offenders from such programs; providing for assessment of applicable adult and juvenile offenders, including blood and urine tests; providing for records of assessments and confidentiality thereof; providing immunity from liability with respect thereto; providing for information systems, including required reports of providers and development of a statewide automated tracking system for adult STOP offenders; providing for treatment of applicable adult and juvenile offenders whose assessments indicate the need therefor; providing principles of assessment and treatment; providing immunity from liability with respect thereto; providing for separate and secure designated facilities for adult and juvenile targeted offenders and authorizing the Department of Corrections to contract for the construction thereof; providing for staffing and security of such facilities and providing for immunity from liability with respect thereto; providing that assessment and treatment of offenders shall be conducted by separate providers exercising professional judgment independently of the Department of Corrections; providing for financial responsibility for provider services and authorizing prospective payment arrangements with providers; creating a Juvenile Justice System Review Task Force and providing for the membership, duties, expenses, and repeal thereof; requiring the Department of Corrections and the Department of Health and Rehabilitative Services to provide information to the Joint Legislative Management Committee for the conduct of studies; amending ss. 39.01 and 39.115, F.S.; renaming serious habitual juvenile offenders; amending s. 39.09, F.S., relating to disposition hearings for delinquency cases; amending s. 39.10, F.S., requiring a finding of delinquency and the surrender of drivers' licenses for all minors violating certain laws relating to alcoholic beverages and drugs; amending s. 322.05, F.S., prohibiting the Department of Highway Safety and Motor Vehicles from issuing a drivers' license to certain persons; amending s. 322.26, F.S., providing for the mandatory revocation of drivers' licenses by the department with respect to minors who violate certain laws relating to alcoholic beverages and drugs; amending ss. 39.11 and 39.111, F.S.; authorizing commitment of certain juvenile offenders to the Department of Corrections for placement in the juvenile Serious Targeted Offender Program; amending ss. 39.424 and 39.44, F.S.; providing for diversion services for children-in-need-of-services; amending s. 958.11, F.S.; providing for placement of youthful offenders into the juvenile STOP offender program and providing for modification of sentence upon such placement; amending s. 958.14, F.S.; deleting a 6-year limitation on the time period for which commitment to custody is authorized upon violation of probation or community control; amending s. 39.04, F.S.; providing definitions; revising delinquency intake procedures; establishing criteria and requiring uniform procedures; providing for substance abuse and mental health screening of child and family; expanding authorized services; creating s. 943.0572, F.S.; providing legislative findings and intent; providing for the Department of Law Enforcement to establish an advisory group to develop a statewide youth and street gang data base; providing for travel expenses; providing for a report; amending s. 944.026, F.S.; providing for

additional community-based facilities; creating ss. 396.0815 and 397.0515, F.S.; authorizing local ordinance for involuntary evaluation of minors for alcohol abuse or substance abuse treatment in secure facilities; providing findings and intent; providing criteria for such evaluation; providing procedure; providing for disposition upon evaluation; requiring parental participation and payment of fees; providing for the rights of minors in treatment, including the right to habeas corpus; providing for certain liability and certain immunity from liability; providing appropriations; providing for severability; providing for certain future repeal; providing effective dates.

—was referred to the Committees on Corrections, Probation and Parole; Health and Rehabilitative Services; Judiciary-Criminal; and Appropriations.

By the Committees on Rules and Calendar; and Health and Rehabilitative Services; and Representative Press and others—

CS for HB 1818—A bill to be entitled An act relating to prevention, early assistance, and early childhood; creating part I of chapter 411, F.S., relating to general provisions; providing a short title; providing definitions; providing a continuum of comprehensive services; specifying requirements for the continuum; providing requirements for evaluation design and contracting; providing for rules; creating part II of chapter 411, F.S., relating to prevention and early assistance; providing legislative intent; requiring a joint strategic plan; requiring submission of the plan to the Governor and Legislature; specifying contents; delineating responsibilities of the Department of Health and Rehabilitative Services and the Department of Education; requiring establishment of an Office of Prevention, Early Assistance, and Child Development in each department; establishing an interagency coordinating council; delineating intraagency and interagency responsibilities; requiring a memorandum of agreement; creating the State Coordinating Council for Early Childhood Services; providing membership, terms of office, organizational procedures, and duties; providing for funding; requiring a report; requiring the development of uniform standards; creating part III of chapter 411, F.S., relating to infants and toddlers; providing a short title; providing legislative intent; requiring development of prototypes for comprehensive services to high-risk infants and toddlers; providing requirements; providing for grants; providing selection criteria; requiring third-party evaluation and providing requirements; creating the Children's Trust Fund; providing for use, access, source of funds, and reversion of funds; amending s. 409.029, F.S.; revising criteria with respect to participation in employment and training activity; creating s. 402.27, F.S.; providing for establishment of child care and early childhood resource information agencies; specifying purpose; providing for rules; creating s. 402.28, F.S.; providing for special licensure for certain child care programs; specifying standards; providing for grants; creating s. 402.3193, F.S.; creating the Child Care Trust Fund; providing for use, source of funds, and reversion of funds; amending s. 402.3195, F.S.; providing for loans to establish new or expand existing family day care homes; changing the name of a trust fund; creating s. 402.45, F.S.; establishing a community resource mother or father program; providing for contracts; providing requirements; providing for coordination with and review by the State Coordinating Council for Early Childhood Services; providing for an evaluation; providing for rules; creating s. 402.47, F.S.; establishing a foster grandparent and retired senior volunteer services program; providing definitions; providing for contracts; providing for program criteria and evaluation; providing for rules; creating s. 383.013, F.S.; providing for a statewide prenatal care program; requiring provision of services, risk factor analysis, and program monitoring; providing for expedited services and training; creating s. 383.215, F.S.; establishing developmental intervention and parent support and training programs; providing definitions; delineating program components; providing requirements for coordination and operation; providing for evaluation; creating s. 230.2303, F.S.; creating the Florida First Start Program; allowing school districts to submit plans; requiring components for plan approval; requiring evaluation, monitoring, and technical assistance; requiring an annual report; providing for coordination; providing for funding; providing for rules; repealing s. 228.0615(8), F.S., relating to the State Advisory Council on Early Childhood Education; repealing s. 402.30, F.S., relating to the Department of Health and Rehabilitative Services advisory council on child care; repealing ss. 411.101, 411.102, 411.103, 411.104, 411.105, 411.106, 411.107, 411.1071, 411.1072, 411.1075, and 411.108, F.S., relating to the Handicap Prevention Act of 1986; providing for review and repeal; amending s. 230.2316, F.S., relating to dropout prevention; revising criteria for teenage parent programs; requiring school district development and implementation of teenage parent programs; providing exceptions; requiring an inventory of community services and programs; amending s. 232.01, F.S.; entitling pregnant or parenting teens to participation in a teenage parent program; amending s. 232.246, F.S.; revising topics to be included in life management skills courses; amending s. 232.304; revising the duties and responsibilities of district multiagency coordinating councils; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse; revising intent; revising a definition; expanding program requirements; requiring instruction in the consequences of teenage pregnancy; amending s. 233.011, F.S.; requiring the Department of Education to revise curriculum frameworks; amending s. 236.083, F.S.; providing for transportation of pregnant students or student parents; amending s. 234.01, F.S.; requiring transportation as part of teenage parent programs; amending s. 42 of chapter 88-337, Laws of Florida; extending time for submission of final report of the Task Force on the Future of the Florida Family; providing an effective date.

(Substituted for CS for SB 676 on the special order calendar this day.)

By Representatives Rudd and Jennings—

HM 1596—A memorial to the Congress of the United States, urging Congress to review the Catastrophic Medicare Act of 1988 (PL 100-360), and to develop an equitable system of health care for members of the senior population who are Medicare recipients.

—was referred to the Committees on Health Care; and Rules and Calendar.

By Representative Langton and others—

HM 1821—A memorial to the Congress of the United States, urging Congress to rename the Canaveral National Seashore as the William V. Chappell, Jr., National Seashore at Canaveral.

—was referred to the Committee on Rules and Calendar.

By the Committee on Criminal Justice and Representative Silver and others—

CS for HJR 2—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

—was referred to the Committees on Judiciary-Criminal; and Rules and Calendar.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has adopted with amendment SCR 1146 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SCR 1146—A resolution stating the Legislature's position on a comprehensive waste management system, including a multipurpose hazardous waste treatment facility and the siting of hazardous waste facilities for the storage, treatment, and disposal, other than land disposal, of hazardous waste.

Amendment 1—On page 2, lines 9 and 10, strike all of said lines and insert: of the South Carolina Senate, the Speaker of the South Carolina House of Representatives, the Governor of Alabama, the President of the Alabama Senate, and the Speaker of the Alabama House of Representatives.

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment.

SCR 1146 as amended was adopted, ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Casas	Davis	Gordon
Beard	Childers, D.	Deratany	Grant
Brown	Childers, W. D.	Dudley	Grizzle
Bruner	Crenshaw	Forman	Johnson

Kirkpatrick	Myers	Souto	Woodson-Howard
Langley	Plummer	Thurman	
Malchon	Ros-Lehtinen	Walker	
Meek	Scott	Weinstock	

Nays—None

Vote after roll call:

Yea—Thomas

Senator W. D. Childers presiding

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1456 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1456—A bill to be entitled An act relating to firefighters; amending s. 633.34, F.S.; requiring a person who applies for a job as a firefighter to be a nonuser of tobacco or tobacco products; providing an effective date.

On motion by Senator Malchon, the Senate receded from Amendment 1 to HB 1456.

The vote was:

Yeas—20

Brown	Davis	Kirkpatrick	Stuart
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Malchon	Thurman
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grizzle	Plummer	Weinstock

Nays—12

Bankhead	Dudley	Langley	Souto
Beard	Girardeau	McPherson	Walker
Crenshaw	Johnson	Meek	Woodson-Howard

HB 1456 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Bankhead	Forman	Kiser	Thurman
Beard	Gardner	Malchon	Weinstein
Brown	Girardeau	Margolis	Weinstock
Bruner	Gordon	Plummer	Woodson-Howard
Casas	Grant	Ros-Lehtinen	
Childers, W. D.	Grizzle	Stuart	
Davis	Kirkpatrick	Thomas	

Nays—7

Crenshaw	Johnson	Myers	Walker
Dudley	Meek	Souto	

Vote after roll call:

Nay—Langley

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 429, CS for SB 683, CS for SB 851, CS for CS for SB 997 and CS for SB's 1441 and 1460.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

CS for SB 1177—A bill to be entitled An act relating to insurance; amending ss. 624.472, 624.474, F.S., relating to commercial self-insurers; providing limitations on liability for specified participants and providing for appropriate notice; amending s. 626.973, F.S.; revising state law relating to fictitious groups under the Florida Insurance Code to allow for group property or casualty insurance under certain circumstances; amending s. 626.8473, F.S.; providing criminal penalties for conversion or misappropriation of funds received or held in escrow or trust; amending s. 624.5015, F.S.; providing for administrative surcharges to be paid by title insurers; amending s. 626.8453, F.S.; incorporating an amendment to s. 624.5015, F.S., in a cross-reference to that section correcting an obsolete cross-reference; amending s. 626.8417, F.S.; providing bond and deposit requirements for title insurance agents; reenacting s. 626.8437(1), F.S.; incorporating an amendment to s. 626.8417, F.S., in a cross-reference to that section; amending s. 626.843, F.S.; providing additional requirements for the continuation of a title insurance agent's license; amending s. 627.781, F.S.; allowing the Department of Insurance to establish limitations on reasonable charges made in addition to the risk premium; amending s. 627.782, F.S.; requiring the department to make rules concerning the amount of the risk premium that the title insurer must maintain; amending s. 627.783, F.S.; allowing a title insurer or title insurance agent to petition for a specific deviation above certain reasonable charges; providing effective dates.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 9, line 5, after the period (.) insert: *A surety bond is deemed to be unavailable generally if the prevailing annual premium exceeds 25 percent of the principal amount of the bond.*

Amendment 2—On page 10, line 29, after "*insurer*" insert: *and related rules to insure said sums are retained by the insurer for policies sold by agents*

Pending further consideration of CS for SB 1177 as amended, on motion by Senator Weinstein, by two-thirds vote CS for CS for HB 548 was withdrawn from the Committee on Insurance.

On motion by Senator Weinstein—

CS for CS for HB 548—A bill to be entitled An act relating to title insurance agents; amending s. 626.8473, F.S.; revising language with respect to a title insurance agent acting as an escrow agent; providing criminal penalties for conversion or misappropriation of funds received or held in escrow or trust; amending s. 624.5015, F.S.; providing a title insurer and title insurance agent administrative surcharge and reenacting s. 626.8453, F.S., to incorporate said amendment in a reference thereto; amending s. 626.8417, F.S.; providing additional bond and deposit requirement with respect to title insurers and reenacting s. 626.8437(1), F.S., to incorporate said amendment in a reference thereto; amending s. 626.843, F.S.; revising language with respect to the continuation of a title insurance agent's license; amending s. 627.781, F.S.; authorizing rulemaking authority to limit charges made in addition to "risk premium"; amending s. 627.782, F.S.; revising language with respect to promulgation of rates; amending s. 627.783, F.S.; authorizing title insurer petition with respect to rate deviations; providing effective dates.

—a companion measure, was substituted for CS for SB 1177 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for CS for HB 548 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

On motion by Senator Weinstein, by unanimous consent—

CS for SB 1177—A bill to be entitled An act relating to insurance; amending ss. 624.472, 624.474, F.S., relating to commercial self-insurers; providing limitations on liability for specified participants and providing for appropriate notice; amending s. 626.973, F.S.; revising state law relating to fictitious groups under the Florida Insurance Code to allow for

group property or casualty insurance under certain circumstances; amending s. 626.8473, F.S.; providing criminal penalties for conversion or misappropriation of funds received or held in escrow or trust; amending s. 624.5015, F.S.; providing for administrative surcharges to be paid by title insurers; amending s. 626.8453, F.S.; incorporating an amendment to s. 624.5015, F.S., in a cross-reference to that section correcting an obsolete cross-reference; amending s. 626.8417, F.S.; providing bond and deposit requirements for title insurance agents; reenacting s. 626.8437(1), F.S.; incorporating an amendment to s. 626.8417, F.S., in a cross-reference to that section; amending s. 626.843, F.S.; providing additional requirements for the continuation of a title insurance agent's license; amending s. 627.781, F.S.; allowing the Department of Insurance to establish limitations on reasonable charges made in addition to the risk premium; amending s. 627.782, F.S.; requiring the department to make rules concerning the amount of the risk premium that the title insurer must maintain; amending s. 627.783, F.S.; allowing a title insurer or title insurance agent to petition for a specific deviation above certain reasonable charges; providing effective dates.

—as amended, was removed from the table and by two-thirds vote read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

CS for SJR 380—A joint resolution proposing an amendment to Section 3, Article III of the State Constitution, relating to the date of the regular sessions of the Legislature.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 3, Article III of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November, 1990.

ARTICLE III
LEGISLATURE

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS. On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS. *In 1991, a regular session of the legislature shall convene on the first Tuesday after the first Monday in March. In 1992 and thereafter,* a regular session of the legislature shall convene on the first Tuesday after the first Monday in *February* ~~April~~ of each odd-numbered year, and on the first Tuesday after the first Monday in *February* ~~April~~, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT. Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 3

REGULAR LEGISLATIVE SESSIONS.—Proposing an amendment to the State Constitution to require the Legislature to convene at an earlier specified date in 1991 and, in 1992 and thereafter, to convene on the first Tuesday after the first Monday in February of each odd-numbered year and on the first Tuesday after the first Monday in February, or such other date as may be fixed by law, of each even-numbered year.

—was read the second time in full. On motion by Senator Thomas, by two-thirds vote CS for SJR 380 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kiser	Scott
Brown	Forman	Langley	Souto
Bruner	Gardner	Malchon	Stuart
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	

Nays—2

Plummer	Weinstein

SB 1336—A bill to be entitled An act relating to local government financial matters; creating part VII of chapter 218, F.S., the Florida Prompt Payment Act; providing definitions; providing for establishment of a date to be used in calculation of the date on which payment for purchases by a local governmental entity is due; providing procedures for calculation of such due date; providing for payment of interest on payments not made by the required date; providing that no contract may prohibit such interest; providing procedures regarding improper invoices; requiring local governmental entities to establish procedures for resolution of disputes regarding payment of invoices; providing requirements regarding payments involving federal funds; requiring reports regarding interest payments; providing for repeal of conflicting laws; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Souto and adopted:

Amendment 1—On page 4, line 5, and on page 5, line 15, strike "30" and insert: 45

Amendment 2—On page 3, strike line 13 and insert: the chief disbursement officer of the local government entity after approval by the governing body, if required; or

On motion by Senator Souto, by two-thirds vote SB 1336 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Brown	Casas	Childers, W. D.
Beard	Bruner	Childers, D.	Crenshaw

Davis	Grizzle	McPherson	Thomas
Deratany	Jennings	Meek	Thurman
Dudley	Johnson	Peterson	Walker
Forman	Kirkpatrick	Plummer	Weinstein
Gardner	Kiser	Ros-Lehtinen	Weinstock
Girardeau	Langley	Scott	Woodson-Howard
Gordon	Malchon	Souto	
Grant	Margolis	Stuart	

Nays—None

On motions by Senator Girardeau, by two-thirds vote HB 1451 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Girardeau—

HB 1451—A bill to be entitled An act relating to mental health; amending s. 394.4573, F.S.; providing definitions; directing the Department of Health and Rehabilitative Services to implement a system of continuity of care; providing an effective date.

—a companion measure, was substituted for SB 1313 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 1451 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	
Dudley	Langley	Souto	

Nays—None

SB 1448—A bill to be entitled An act relating to investments by the State Board of Administration; amending s. 215.44, F.S.; providing that investments made by the state board for the retirement system trust fund are subject to specified restrictions and limitations; creating s. 215.475, F.S.; specifying the types of investments that may be made by the state board; establishing a fiduciary standard of care for the state board to follow in making investments; creating s. 215.476, F.S.; providing for special review by the Investment Advisory Council and the state board for certain types of investments made by the staff of the state board for the Florida Retirement System Trust Fund; specifying matters that must be included in the Florida Retirement System Total Fund Investment Plan and providing for revision of the plan; prohibiting South African investments with respect to the investment of moneys for the retirement system trust fund; amending s. 215.69, F.S.; requiring the state board to invest funds of the Division of Bond Finance under the State Bond Act in a certain manner; amending s. 218.407, F.S.; providing that investment of surplus moneys for local governments by the state board be made in a certain manner and subject to certain restrictions; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 1448 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Davis	Grant	Malchon
Beard	Deratany	Grizzle	Margolis
Brown	Dudley	Jennings	McPherson
Bruner	Forman	Johnson	Meek
Casas	Gardner	Kirkpatrick	Myers
Childers, D.	Girardeau	Kiser	Peterson
Childers, W. D.	Gordon	Langley	Plummer
Ros-Lehtinen	Stuart	Walker	Woodson-Howard
Scott	Thomas	Weinstein	
Souto	Thurman	Weinstock	

Nays—None

CS for SB 1223—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.121, F.S.; prescribing when an inquiry may be undertaken by the commission and by whom it may be initiated; providing for issuance of a report of the findings of an inquiry which does not result in a formal proceeding; clarifying application of the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for SB 1223 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

CS for SB 1224—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.02, F.S.; revising the definition of the term "public utility"; defining the term "electric utility"; correcting the definition for the term "commission"; amending s. 366.04, F.S.; revising the jurisdiction of the Florida Public Service Commission with respect to the sale and issuance of securities by public utilities; giving the commission jurisdiction over the assumption by a public utility of liabilities or obligations as guarantor, endorser, or surety; expanding commission jurisdiction with respect to territorial agreements and disputes; providing for customer participation in proceedings to approve territorial agreements or resolve territorial disputes; amending s. 366.041, F.S.; limiting the ability of utilities to impose impact fees under certain circumstances; amending s. 366.05, F.S.; revising the commission's authority to address inadequacies in the energy grid; authorizing the commission to require reports from utilities and their affiliated companies; creating s. 366.051, F.S.; setting forth the rights and obligations of utilities and the jurisdiction of the commission regarding the sale, purchase, and transmission of power produced by cogenerators or small power producers; amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances; amending s. 366.072, F.S., relating to rate adjustment orders; revising a cross-reference; amending s. 366.093, F.S.; expanding the commission's access to records; revising provisions relating to the confidentiality of certain public utility records; defining proprietary confidential business information; providing for a time limit on confidentiality; amending s. 366.095, F.S.; deleting certain penalties that the commission may assess against utilities; amending s. 366.11, F.S.; revising the application of certain exemptions; amending s. 366.81, F.S.; revising legislative findings and intent regarding energy conservation; amending s. 366.82, F.S.; providing an exemption from conservation requirements; revising provisions related to conservation goals and plans; providing for the participation of the Executive Office of the Governor in establishing conservation goals; creating s. 366.14, F.S.; providing for regulatory assessment fees to be paid by electric and gas utilities under the commission's jurisdiction; transferring and renumbering s. 366.031, F.S., relating to a prohibition against an electric utility's giving certain preferences to a cable television service; repealing s. 366.135, F.S., relating to existing rates and pending proceedings; exempting s. 366.093, F.S., from review under the Open Government Sunset Review Act; reviving and readopting ss. 366.01-366.03, 366.04-366.075, 366.08-366.13, 366.80-366.85, F.S., relating to public utilities, notwithstanding their scheduled repeal October 1, 1989, by chs. 81-318 and 82-25, Laws of Florida; repealing ss. 366.01-366.85, F.S., relating to public utilities, effective October 1, 1999, and providing for review of said sections in advance of that date; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 6, lines 14 and 15, strike ", *or modify with the concurrence of participating utilities,*"

Amendment 2—On page 7, lines 1 and 2, strike "*Nothing herein shall authorize the commission to certify territories for electric utilities.*"

Amendment 3—On page 7, lines 16 and 17, strike ", *or modify with the concurrence of participating utilities,*"

Amendment 4—On page 7, line 30 and on page 8, lines 1 and 2, strike "*Nothing herein shall authorize the commission to certify territories for natural gas utilities.*"

Senator Jennings moved the following amendment:

Amendment 5—On page 11, lines 6-31 and on page 12, lines 1-13, strike all of said lines and insert:

366.051 Cogeneration; small power production; commission jurisdiction.—

Electricity produced by cogeneration and small power production is of benefit to the public when included as part of the total energy supply of the entire electric grid of the state or consumed by a cogenerator or small power producer. The electric utility in whose service area a cogenerator or small power producer is located shall purchase, in accordance with applicable law, all electricity offered for sale by such cogenerator or small power producer; or the cogenerator or small power producer may sell such electricity to any other electric utility in the state. The commission shall establish guidelines relating to the purchase of power or energy by public utilities from cogenerators or small power producers and may set rates at which a public utility must purchase power or energy from a cogenerator or small power producer. In fixing rates for power purchased by public utilities from cogenerators or small power producers, the commission shall authorize a rate equal to the purchasing utility's full avoided costs. A utility's "full avoided costs" are the incremental costs to the utility of the electric energy or capacity, or both, which, but for the purchase from cogenerators or small power producers, such utility would generate itself or purchase from another source. The commission may use a statewide avoided unit when setting full avoided capacity costs. If the cogenerator or small power producer provides adequate security, based on its financial stability, and no costs in excess of full avoided costs are likely to be incurred by the electric utility over the term during which electricity is to be provided, the commission shall authorize the levelization of payments and the elimination of discounts due to risk factors in determining the rates. Public utilities shall provide transmission or distribution service to enable a retail customer to transmit electrical power generated by the customer at one location to the customer's facilities at another location, if the commission finds that the provision of this service, and the charges, terms, and other conditions associated with the provision of this service, are not likely to result in higher cost electric service to the utility's general body of retail and wholesale customers or adversely affect the adequacy or reliability of electric service to all customers.

Senator Margolis moved the following amendment to Amendment 5 which was adopted:

Amendment 5A—On page 2, line 24, after the period (.) insert: Notwithstanding any other provision of law, power generated by the customer and provided by the utility to the customers' facility at another location is subject to the gross receipts tax imposed under s. 203.01 and the use tax imposed under s. 212.06. Such taxes shall apply at the time the power is provided at such other location and shall be based upon the cost price of such power as provided in s. 212.06(1)(b).

Section 6. Paragraph (b) of subsection (1) of section 212.06, Florida Statutes, 1988 Supplement, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his own use shall pay a tax upon the cost of the product manufactured, produced, compounded, processed, or fabricated without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02 defining "cost price." However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy *at a single location,* when such power or energy is used directly and exclusively *at such location, or at other locations if the energy is transferred through facilities of the owner* in the operation of machinery or equipment that is used to manufacture, process, compound, produce, fabricate, or prepare for shipment tangible personal property for sale or to operate pollution control equipment, maintenance equipment, or monitoring or control equipment used in such operations. The manufacture or production of electrical power or energy that is used for space heating, lighting, office equipment, or air conditioning or any other nonmanufacturing, nonprocessing, noncompounding, nonproducing, nonfabricating, or nonshipping activity is taxable. Electrical power or energy consumed or dissipated in the transmission or distribution of electrical power or energy for resale is also not taxable. Fabrication labor shall not be taxable when a person is using his own equipment and his own personnel, for his own account, as a producer, subproducer, or coproducer of a qualified motion picture. For purposes of this part, the term "qualified motion picture" means all or any part of a series of related images, either on film, tape, or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted, or altered for exploitation in, on, or through any medium or device and at any location, primarily for entertainment, commercial, industrial, or educational purposes. A person who manufactures factory-built buildings for his own use in the performance of contracts for the construction or improvement of real property shall pay a tax only upon the person's cost price of items used in the manufacture of such buildings.

Section 7. Paragraph (c) is added to subsection (1) of section 203.01, Florida Statutes, to read:

203.01 Tax on gross receipts for utility services.—

(1)(a) Every person, including a municipal corporation, that receives payment for electricity for light, heat, or power; for natural or manufactured gas for light, heat, or power; or for telecommunication services shall report quarterly to the Department of Revenue, not later than January 31 for the 3 months ending December 31, not later than April 30 for the 3 months ending March 31, not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding 3 months and, at the same time, shall pay into the State Treasury an amount equal to 1.5 percent of such gross receipts. Such collections shall be certified by the Comptroller upon the request of the State Board of Education.

(b) Any person who purchases, installs, rents, or leases a telephone system or telecommunication system for his own use to provide himself with telephone service or telecommunication service which is a substitute for any telephone company switched service or a substitute for any dedicated facility by which a telephone company provides a communication path shall register with the Department of Revenue and pay into the State Treasury a yearly amount equal to 1.5 percent of the actual cost of operating such system. "Actual cost" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this paragraph, the depreciation expense to be included in actual cost shall be the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement shall be included within the actual cost. The provisions of this paragraph do not apply to the use by any local telephone company or any telecommunication carrier of its own telephone system or telecommunication system to conduct a telecommunication service for hire or to the use of any radio system operated by any county or municipality or by the state or any political subdivision thereof. If a system described in this paragraph is located in more than one state, the actual cost of such system for purposes of this paragraph shall be the actual cost of the system's equipment located in Florida. The term "telecommunications carrier" specifically includes cellular telephone carriers and other radio common carriers.

(c) Electricity produced by cogeneration which is transmitted and distributed by a public utility between two locations of a customer of the utility pursuant to s. 366.051(2) is subject to the tax imposed by this section. The tax shall be applied to the cost price of such electricity as provided in s. 212.06(1)(b) and shall be paid each month by the producer of such electricity.

(Renumber subsequent sections.)

Amendment 5 as amended was adopted.

The President presiding

Senators Weinstein, Kirkpatrick, Peterson, Bruner, Thurman, Woodson-Howard, Forman, Scott and Stuart offered the following amendment which was moved by Senator Weinstein and failed:

Amendment 6—On page 9, between lines 15 and 16, insert:

Section 3. Section 366.0401, Florida Statutes, is created to read:

366.0401 Retail electric service territories; legislative intent; definitions; establishment of territories; exclusive rights; adjustment of territories; eminent domain.—

(1) It is hereby declared to be in the public interest that, in order to encourage the orderly development of coordinated statewide retail electric service, to avoid wasteful duplication of distribution facilities, to avoid unnecessary encumbering of the landscape of the state, to prevent the waste of materials and natural resources, for the public convenience and necessity, and to minimize disputes between electric utilities which may result in inconvenience, diminished efficiency, and higher costs in serving the consumer, the state be divided into geographical areas, establishing the areas within which each electric utility is to provide the retail electric service as provided in this section. The Legislature recognizes that in providing for the assignment of retail electric service areas, competition may be displaced with regulation or monopoly services. The Legislature expressly finds that the benefits normally associated with competition between two or more entities are outweighed by the tremendous cost burden which results from the duplication of facilities and services and the adverse impact such duplication of facilities and services has on environmental and aesthetic values and on safety.

(2) As used in this section:

(a) "Approved territory" means the service area of an electric utility encompassed by the territorial boundaries as shown on the territorial boundary maps published by the commission in accordance with paragraph (4)(b).

(b) "Existing distribution line" means an electric line which is operated at 35,000 volts or less and which on June 15, 1989, is being used to provide retail electric service.

(c) "Premises" means the building, structure, or facility to which electricity is being metered or is to be furnished and metered, including all meters on such building, structure, or facility through which electricity is delivered or to be delivered. Such term also includes any building, structure, or facility which is reconstructed to replace a previously existing building, structure, or facility of substantially the same size. In the event two or more buildings, structures, or facilities are located on one tract of land utilized by one customer, those buildings, structures, or facilities which are or will be served through a different meter shall be considered separate premises.

(d) "Retail electric service" means electric service furnished to a consumer for ultimate consumption, but does not include wholesale electric energy furnished by an electric utility to another electric utility for resale.

(3) Notwithstanding any general or special law to the contrary and except as otherwise provided in this section, no electric utility shall furnish retail electric service in the approved territory of another electric utility.

(4)(a) The commission shall require each electric utility to file within 90 days after the effective date of this act detailed maps showing the location of all of its distribution facilities in existence as of the effective date of this act.

(b) In establishing retail electric approved territories, the commission shall utilize territorial boundaries established by territorial agreements approved pursuant to s. 366.04(2)(d) prior to July 1, 1990 and by resolution of territorial disputes pursuant to s. 366.04(2)(e), prior to July 1, 1989. In the absence of such boundaries, the commission shall establish the boundaries of the approved territory of each electric utility as a line or lines substantially equidistant between an electric utility's existing distribution line and the nearest existing distribution lines of any other electric utility in every direction with the result that there is established for each electric utility such area which in its entirety is located substantially in closer proximity to one of its existing distribution lines than to the nearest existing distribution line of any other electric utility. The commission shall establish approved service territories for all electric utilities by January 1, 1991, and shall prepare or cause to be prepared within 90 days thereafter, a map or maps of uniform scale to show, accurately and clearly, the boundaries of the approved territory of each electric utility, and shall issue such map or maps of approved territory to each electric utility.

(c) Any electric utility aggrieved by reason of a commission service territory designation pursuant to this section may protest such designation within 120 days after issuance of the map of approved territory by the commission; and the commission shall have the power, after hearing, to revise or vacate such approved territories or portions thereof. In such hearing, the commission shall be guided by the following conditions as they existed on the effective date of this act:

1. The proximity of existing distribution lines to such approved territory.

2. Which electric utility was first furnishing retail electric service, and the age of existing facilities, in the area.

3. Which electric utility is the predominant electric utility in the area.

4. The adequacy and dependability of existing distribution lines and facilities to provide dependable high quality retail electric service at reasonable costs.

5. The elimination and prevention of duplication of electric lines and facilities supplying such territory.

In its determination of such protest, the commission hearing shall be de novo, and neither electric utility shall bear the burden of proof.

(d) After the initial establishment of the approved territory of each electric utility, two or more electric utilities may jointly petition the commission to approve a territorial agreement adjusting their adjoining assigned retail electric service areas. If the commission approves the territorial agreement, the commission shall prepare or cause to be prepared revised maps in accordance with paragraph (b) to reflect such adjustment of assigned retail electric service areas.

(e) Any consumer operating an integrated facility on a contiguous property extending into the approved territory of two or more electric utilities that is required to purchase electric power for such facility from more than one electric utility by reason of a commission service territory designation pursuant to this section may protest such designation to the commission, and the commission shall have the power, after hearing, to revise or vacate such approved territories or portions thereof or grant variances thereto. In such hearings the commission shall not be limited by the criteria specified in paragraph (c), but shall also consider the consumer's interest.

(5)(a) Except as otherwise provided herein, each electric utility shall have the exclusive right to furnish retail electric service to all consumers located within its approved territory, and shall not furnish, make available, render, or extend its retail electric service to a consumer for use in any premise located within the approved territory of another electric utility; except that any electric utility may extend its facilities through the approved territory of another electric utility, if such extension is necessary for such supplier to connect any of its facilities or to serve its consumers within its own approved territory.

(b) Except as provided in paragraph (c), any new premise located in an area which has not as yet been included in a map issued by the commission pursuant to paragraph (4)(b) or approved pursuant to subsection (4) shall be furnished retail electric service by the electric utility which has an existing distribution line in closer proximity to such premise than is the nearest existing distribution line of any other electric utility. Any disputes under this paragraph shall be resolved by the commission.

(c) If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by an electric utility to a consumer is inadequate and is not likely to be made adequate, the commission may authorize another electric utility to furnish retail electric service to such consumer.

(d) Except as provided in paragraph (c), no electric utility shall furnish, make available, render, or extend retail electric service to any premise to which such service is being lawfully furnished by another electric utility on the effective date of this act, or to which retail electric service is lawfully commenced thereafter in accordance with this section by another electric utility.

(6) The inclusion by incorporation, consolidation, or annexation of any part of an assigned retail electric service area of an electric utility within the corporate limits of a municipality after the effective date of this act shall not in any way impair or affect the rights of the electric utility to continue to expand retail electric service throughout any part of its assigned service area.

(7) Notwithstanding any general or special law to the contrary, no electric utility shall exercise the power of eminent domain for the purpose of acquiring real or personal property or intangible property rights of any other electric utility where such condemnation proceedings will directly or indirectly result in the condemning authority exercising or claiming any right to serve retail electric customers of the condemnee by virtue of the ownership of any real or personal property or intangible property rights so acquired.

(Renumber subsequent sections.)

The vote was:

Yeas—18

Bruner	Forman	Scott	Weinstein
Casas	Gordon	Stuart	Weinstock
Childers, D.	Kirkpatrick	Thomas	Woodson-Howard
Childers, W. D.	McPherson	Thurman	
Dudley	Peterson	Walker	

Nays—22

Mr. President	Deratany	Johnson	Myers
Bankhead	Gardner	Kiser	Plummer
Beard	Girardeau	Langley	Ros-Lehtinen
Brown	Grant	Malchon	Souto
Crenshaw	Grizzle	Margolis	
Davis	Jennings	Meek	

Senator Malchon moved the following amendment:

Amendment 7—On page 9, strike all of lines 20-31 and insert:

(3) No electric utility may collect impact fees designed to recover capital costs in initiating new service unless the utility can demonstrate and the Commission finds that such fees are fair, just and reasonable and are collected from the ultimate utility customer of record at such time as or after permanent electric service is provided. This prohibition shall not apply to underground electric distribution lines or line extension charge collected pursuant to approved tariffs.

Further consideration of **CS for SB 1224** as amended was deferred.

On motion by Senator Margolis, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for SB 94, CS for SB 190, SB 328, CS for SB 374, SB 416, SB 507, SB 643, CS for CS for SB 697, CS for SB 721, SB 825, CS for SB 913, SB 920, SB 952, SB 1049, CS for CS for SB 1163, CS for SB 1195, SB 1250, CS for SB 1264, CS for SB 1386 and CS for SB 1398 were withdrawn from the Committee on Appropriations.

RECESS

On motion by Senator Scott, the Senate recessed at 12:16 p.m. to reconvene upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 1298 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1298—A bill to be entitled An act relating to aging; creating the Florida Commission on Aging; providing for the appointment of commission members; providing for the commission to appoint an executive director; authorizing reimbursement for per diem and travel expenses for members of the commission; requiring the commission to prepare a master plan for policies and programs related to aging; requiring the commission to make certain recommendations to the Governor, Cabinet members, the Department of Health and Rehabilitative Services, and the Legislature regarding programs related to aging; requiring the commission to review certain budget requests; requiring the commission to make certain reports; requiring the commission to administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council; requiring the commission to hold public meetings; authorizing the commission to seek assistance from appropriate agencies; requiring agencies to cooperate in providing such assistance; amending s. 110.501, F.S.; redefining the term "volunteer" to include persons serving in certain programs authorized under federal law; providing for benefits for such persons; providing for positions and appropriations for the Commission on Aging and the State Nursing Home and Long-Term Care Facility Ombudsman Council; providing for future review and repeal of the commission; amending s. 400.301, F.S.; providing legislative intent; amending s. 400.304, F.S.; requiring the State Unit on Aging of the Department of Health and Rehabilitative Services to contract with the Commission on Aging to operate an Office of the State Long-Term Care Ombudsman; providing duties and responsibilities of the department and the state council with respect to the program; requiring council members to be chosen from recommendations made as specified; changing the time period after which the council itself shall fill a vacancy; providing for staggering the terms of office of council members; deleting direction to the Department of Health and Rehabilitative Services and providing direction to the Commission on Aging to submit a separate budget request for the state and district councils; amending s. 400.307, F.S.; providing for district ombudsman councils to function under the direction of the state ombudsman council; limiting the number of terms and changing the length of terms of district council members; deleting direction to the department to submit a separate budget request for the district councils; providing an effective date.

Amendment 1—On page 18, between lines 3-5, strike all of said lines and insert new sections:

Section 1. Present subsection (5) of section 400.211, Florida Statutes, is renumbered as subsection (6) and a new subsection (5) is added to said section to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(5) If after January 1, 1990, the requirements pursuant to the Omnibus Budget Reconciliation Act of 1987 for the certification of nursing assistants are in conflict with this section, the federal requirements shall prevail for those facilities certified to provide care under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.

Section 2. Section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—There may be monthly optional supplementation payments, made in such amount as determined by the department, to any person who:

(1) Meets all the program eligibility criteria for an adult congregate living facility or for adult foster care, family placement, or other specialized living arrangement; and

(2) Is receiving a Supplemental Security Income check or is determined to be eligible for optional supplementation by the department.

The base rate of payment for optional state supplementation shall be established by the department within funds appropriated. Additional amounts may be provided for mental health residents in facilities designed to provide limited mental health services as provided for in s. 400.407(3)(c). The optional state supplementation shall be adjusted annually at no less than the inflation rate. The eligibility level for the optional state supplementation shall be equal to the rate of payment. The base rate of payment means the total payments received by a facility on behalf of a client from all sources and does not include the personal needs allowance.

Section 3. Subsections (2) and (12) of section 400.402, Florida Statutes, are amended, and subsection (16) is added to said section, to read:

400.402 Definitions.—When used in this part, unless the context otherwise requires, the term:

(2) "Adult congregate living facility," hereinafter referred to as "facility," means any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; *or* ~~and~~ to provide limited nursing services *or limited mental health services*, when specifically licensed to do so pursuant to s. 400.407. A facility offering personal services, ~~or~~ limited nursing services, *or limited mental health services* for fewer than four adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services.

(12) "Supervision of self-administered medication" means reminding residents to take medication, opening bottle caps for residents, *opening prepackaged medication for residents,* reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label of the container, reassuring residents that they have obtained and are taking the dosage as prescribed, keeping daily records of when residents receive supervision pursuant to this subsection, and immediately reporting noticeable changes in the condition of a resident to the resident's physician. Supervision of self-administered medication shall not be construed to mean that facility staff shall provide such supervision to residents who are capable of administering their own medication. Persons under contract to the facility, facility staff, or volunteers, who are licensed according to chapter 464, or those persons exempted under s. 464.022(1), are limited in their practice in an adult congregate living facility to the administration of medication to residents, unless the licensee applies for and is licensed by the department to provide or arrange for the provision of limited nursing services. However, this limitation does not preclude the exercise of professional responsibility by such persons to observe residents, to document the observations on the appropriate resident's record, and to report the observations to the resident's physician and does not limit the responsibility of the owner or administrator to ensure that the resident receiving nursing services is appropriate for residence in the facility.

(16) "Mental health resident" means an individual who receives or is eligible to receive optional state supplementation and:

(a) Has been discharged from a state mental health treatment facility within the past 2 years;

(b) Has been admitted to a crisis stabilization unit within the past 2 years; or

(c) Is receiving active treatment from a psychologist or psychiatrist for a major mental illness.

Section 4. Section 400.407, Florida Statutes, is amended to read:

400.407 License required; fee, display.—

(1)(a) It is unlawful to operate or maintain a facility without first obtaining from the department a license authorizing such operation.

(b)1. Any person found guilty of violating paragraph (a) who, upon notification by the department, fails, *within 10 working days after receiving such notification,* to apply for a license is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person found to be in violation of paragraph (a) due to a change in s. 400.402(2), (8), (11), or (12) or a modification in department policy pertaining to personal services as provided for in s. 400.402(8) and who, upon notification by the department, fails, *within 10 working days after receiving such notification,* to apply for a license is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Except as provided for in subparagraph 2., ~~regardless of notification by the department,~~ any person who violates paragraph (a) who previously operated a licensed facility or concurrently operates a licensed facility and an unlicensed facility is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Separate licenses shall be required for facilities maintained in separate premises, even though operated under the same management. A separate license shall not be required for separate buildings on the same grounds.

(3)(a) Any license granted by the department shall state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the department.

(b)1. In order for limited nursing services to be provided in a facility licensed under this part, the department must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation *may* ~~must~~ be made at the time of initial licensure or annual relicensure, or *upon request,* ~~if requested~~ in writing by a licensee under this part. *Notification of approval or denial of such request shall be made,* within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and shall not have been subject to administrative sanctions which affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years. Specific designation as a facility licensed to provide limited nursing services is not required in order for a facility to provide supervision of self-administered medication; to administer medication to residents; to observe residents, document the observations on the appropriate resident's record, and report the observations to the resident's physician; or to institute a policy which allows residents to contract with a third-party provider for home health services.

2. Facilities which are licensed to provide limited nursing services shall maintain a written progress report on each person who receives nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse with the department shall visit such facilities three times a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. A registered nurse shall also serve as part of the team that annually inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the department for adult congregate living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.426(8).

(c)1. In order for limited mental health services to be provided in a facility licensed under this part, the department shall first determine that all requirements established in law and rule are met and shall specifically designate, on the facility's license, that such services may be provided and designate the number of residents who may receive limited mental health services. Such designation may be made at the time of initial licensure or annual relicensure, or if requested in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and

all necessary documentation. Existing facilities qualifying to provide limited mental health services shall have maintained a standard license and shall not have been subject to administrative sanctions which affect the health, safety, or welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years. Specific designation as a facility licensed to provide limited mental health services is not required in order for a facility to accept mental health residents, but it is required in order for a facility to receive additional payment from the state for those residents.

2. Facilities which are licensed to provide limited mental health services shall provide at least the following additional services:

a. A written plan of cooperation with the community mental health center.

b. Increased staff as defined by rule to meet the special needs of mental health residents.

c. Increased activities as defined by rule to meet the needs of mental health residents.

d. Participation in the continuity of care management system.

In addition to the training as provided in s. 400.452, staff in facilities which are authorized to provide limited mental health services shall receive additional training, as defined by rule, on the special needs of mental health residents. Facilities which are designated to provide limited mental health services may not have more than 50 percent mental health residents if their licensed capacity exceeds 16. If their licensed capacity is 16 or less, all of their residents may be mental health residents. For facilities which are designated to provide limited mental health services, the department shall, within funds appropriated, provide additional payment for the limited mental health services.

3. A person who receives limited mental health services under this part shall meet the admission criteria established by the department for adult congregate living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.426.

(4)(a) The annual license fee required of a facility shall be $100 per license, with an additional fee of $5 per resident based on the total licensed resident capacity of the facility. The total fee shall not exceed $1,000, no part of which shall be returned to the facility. Beginning July 1, 1988, the department may adjust the $100 annual license fee and the maximum total license fee once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the department shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the *annual* fee shall be *$100 per license, with an additional fee of $5 per resident based on the total licensed resident capacity of the facility. The total fee shall not exceed $1,000, no part of which shall be returned to the facility. Beginning July 1, 1990, the department may adjust the $100 annual license fee and the maximum total license fee once each year by not more that the average rate of inflation for the 12 months immediately preceding the increase* ~~established by rule and may not exceed the cost to the department of having a registered nurse conduct monitoring visits in these facilities three times a year and serve as part of the teams that conduct the annual inspections of these facilities. In determining this cost, the department shall consider only the time spent in the facilities and reasonable related administrative costs.~~

(c) In addition to the total fee assessed under paragraph (a), the department shall require facilities that are designated to provide limited mental health services under this part to pay an additional fee per licensed facility. The annual fee shall be $100 per facility with an additional fee of $5 per resident based on the capacity of the facility for limited mental health services. The total fee shall not exceed $500, no part of which shall be returned to the facility. Beginning July 1, 1990, the department may adjust the $100 annual license fee and the maximum total license fee once each year by not more than the average rate of inflation for the 12 months preceding the increase.

(5) Counties or municipalities applying for licenses under this part are exempt from the payment of license fees.

(6) The license shall be displayed in a conspicuous place inside the facility.

(7) A license shall be valid only in the possession of the individual, firm, partnership, association, or corporation to which it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary; nor shall a license be valid for any premises other than that for which originally issued.

Section 5. Subsection (6) of section 400.411, Florida Statutes, is amended to read:

400.411 Initial application for license; provisional license.—

(6) A provisional license may be issued to an applicant making initial application for licensure *or making application for a change of ownership* ~~for a newly constructed or renovated facility which fails to meet all standards and requirements for licensure~~. A provisional license shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the department~~, and shall be accompanied by an approved plan of correction~~.

Section 6. Section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The department may deny, revoke, or suspend a license or impose an administrative fine in the manner provided in chapter 120. *At the chapter 120 hearing, the department shall prove by a preponderance of the evidence that its actions are warranted.*

(2) Any of the following actions by a facility or its employee shall be grounds for action by the department against a licensee:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) The determination by the department that the facility owner or administrator is not of suitable character and competency, or that the owner lacks the financial ability, to provide continuing adequate care to residents, pursuant to the information obtained through s. 400.411, s. 400.417, or s. 400.434.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Multiple and repeated violations of this part or of minimum standards or rules adopted pursuant to this part.

(e) A confirmed report of abuse, neglect, or exploitation, as defined in s. 415.102, which has been upheld following a chapter 120 hearing or a waiver of such proceedings where the perpetrator is an employee, volunteer, administrator, or owner, or otherwise has access to the residents of a facility, and the administrator has not taken action to remove the perpetrator. A perpetrator may seek an exemption from disqualification through the procedures provided in s. 415.107(5)(b). No administrative action may be taken against the facility if the perpetrator is granted an exemption.

(f) Violation of a moratorium.

(3) *In addition to the reasons in subsection (2),* the department may deny a license to an applicant who owns or operates a facility which, during the 12 months prior to the application for a license, has had a license revoked pursuant to subsection (2), had a moratorium imposed on admissions, had injunction proceedings initiated against it, or had a receiver appointed.

Section 7. Subsection (3) of section 400.417, Florida Statutes, 1988 Supplement, is amended to read:

400.417 Expiration of license; renewal; conditional license.—

~~(3) A conditional license shall be issued to a facility which has changed ownership pending final license approval, if the facility is occupied by residents and, in such instance, conditions in the facility do not present a direct or indirect threat to the health, safety, or welfare of residents. A conditional license issued under this subsection shall be for a single period not to exceed 90 days.~~

Section 8. Section 400.4174, Florida Statutes, is created to read:

400.4174 Reports of abuse in facilities.—When an employee, volunteer, administrator, or owner of a facility has a confirmed report of abuse, neglect, or exploitation, as defined in s. 415.102, and the protective investigator knows that the individual is an employee, volunteer, administrator, or owner of a facility, the office of licensure and certification shall be notified of the confirmed report.

Section 9. Section 400.418, Florida Statutes, is amended to read:

400.418 Disposition of fees and administrative fines.—*Income from license fees, late fees, and administrative fines generated pursuant to ss. 400.407, 400.417 and 400.419 shall be deposited in the Licensure Fees Trust Fund of the department.* ~~The office of the Comptroller shall establish an Aging and Adult Licensure Trust Fund for the purpose of collecting and disbursing funds generated pursuant to ss. 400.407, 400.417, and 400.419. Income from license fees, late fees, and administrative fines authorized herein shall be deposited in the trust fund.~~ Such funds shall be directed to and used by the department for the following purposes:

(1) Up to 50 percent of the trust funds accrued each fiscal year may be used to offset the expenses of receivership, pursuant to s. 400.422, if the court determines that the income and assets of the facility are insufficient to provide for adequate management and operation.

(2) *An amount of* ~~Up to~~ $5,000 of the trust funds accrued each year *shall be allocated* ~~may be used~~ to pay for inspection-related physical *and mental health* examinations requested by the department pursuant to s. 400.426 for residents who are either recipients of supplemental security income or have monthly incomes not in excess of the maximum combined federal and state cash subsidies available to supplemental security income recipients, as provided for in s. 409.212. *Such funds shall only be used where the resident is ineligible for Medicaid.*

(3) The balance of trust funds accrued each year may be used to offset the costs of the licensure program, including the costs of conducting background investigations, verifying information submitted, and defraying the costs of processing the names of applicants.

Section 10. Paragraph (b) of subsection (1) of section 400.419, Florida Statutes, is amended to read:

400.419 Violations; penalties.—

(1)

(b) Any facility owner or administrator found to be in violation of this part, *including any individual operating a facility without a license, shall be subject* ~~is liable~~ to a fine, set and levied by the department.

Section 11. Section 400.4195, Florida Statutes, is created to read:

400.4195 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an adult congregate living facility licensed under this part.

(2) The Department of Health and Rehabilitative Services shall adopt rules which assess administrative penalties for acts prohibited by subsection (1). In the case of an entity licensed by the department, such penalties may include any disciplinary action available to the department under the appropriate licensing laws. In the case of an entity not licensed by the department, such penalties may include:

(a) A fine not to exceed $1,000; and

(b) If applicable, a recommendation by the department to the appropriate licensing board that disciplinary action be taken.

Section 12. Subsections (4), (6), (7), and (8) of section 400.426, Florida Statutes, are amended to read:

400.426 Examination of residents.—

(4) Where possible, each resident shall have been examined by a licensed physician or a licensed nurse practitioner within 60 days before admission to the facility. The signed and completed medical examination report shall *accompany the resident and shall* be submitted to the owner or administrator of the facility who shall utilize the information contained therein to assist in the determination of the appropriateness of admission of the resident to the facility. The medical examination report shall become a permanent part of the record of the resident at the facility and shall be made available to the department during inspection or upon request.

(6) Any resident accepted in a facility *and placed by the department* ~~upon discharge from a state institution~~ shall have been examined by medical personnel ~~of the institution~~ within 30 days before *placement in the facility. The examination shall include an assessment of the appropriateness of placement in a facility.* ~~discharge from the state institution, and~~ The findings pursuant to such examination shall be recorded on the ~~medical~~ examination form provided by the department. The completed form shall *accompany the resident and shall be submitted to the facility owner or administrator and a copy thereof shall be provided to the district licensure office of the department. In addition, any resident placed by the department who is a mental health resident shall also be evaluated by a mental health professional, as defined in s. 394.455(2), to assess the resident's appropriateness for placement in a facility. The department shall provide to the facility administrator any information about the resident that would help the administrator meet his responsibilities under subsection (1). Further, the department personnel shall explain to the facility operator any special needs of the resident and advise the operator who to call should problems arise. The department shall advise and assist the facility administrator where the special needs of residents who are recipients of optional state supplementation require such assistance.*

(7) The department may require an ~~annual physical~~ examination for supplemental security income *and optional state supplementation* recipients residing in facilities *at any time and shall provide such examination whenever a resident's condition requires it. Any facility administrator, licensure or other department personnel, or long-term care ombudsman council member who believes a resident needs to be evaluated shall notify the resident's case manager, who shall take appropriate action. A report of the examination's findings shall be provided to the resident's case manager and the facility administrator to help the administrator meet his responsibilities under subsection (1).*

(8) If, at any time after admission to a facility, a resident appears to need care beyond that which the facility is licensed to provide, the department shall direct the facility owner or administrator to require the resident to be physically examined by a licensed physician or licensed nurse practitioner *or evaluated by an appropriate mental health professional, as defined in s. 394.455(2)*; such examination shall be paid for by the resident with personal funds, except as provided in s. 400.418(2). Pursuant to such examination, the examining physician or licensed nurse practitioner shall complete and sign a medical form provided by the department. The completed medical form shall be submitted to the department within 30 days from the date the facility owner or administrator is notified by the department that the physical examination is required. After consultation with the physician or licensed nurse practitioner who performed the examination, the medical review team designated by the department in each district shall then determine whether the resident is appropriately residing in the facility. Such determination shall be final and binding upon the facility and the resident. Any resident who is determined by the medical review team to be inappropriately residing in a facility shall be given 30 days' written notice to relocate by the owner or administrator, unless the resident's continued residence in the facility presents an imminent danger to the health, safety, or welfare of the resident or a substantial probability exists that death or serious physical harm would result to the resident if allowed to remain in the facility.

Section 13. Subsection (1) of section 400.441, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

400.441 Rules establishing standards.—

(1) Pursuant to the intention of the Legislature to provide safe and sanitary facilities, the department shall promulgate, publish, and enforce rules to implement the provisions of this part, which shall include reasonable and fair minimum standards in relation to:

(a) The maintenance of facilities, not in conflict with the provisions of chapter 553, relating to plumbing, heating, lighting, ventilation, and other housing conditions, which will ensure the health, safety, and comfort of residents and protection from fire hazard, including adequate provisions for fire alarm and other fire protection suitable to the size of the structure. Uniform firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the department. *The*

department shall not duplicate fire inspections performed by state or local fire marshals. Such standards shall be included in the rules promulgated by the department after consultation with the State Fire Marshal. Pursuant to s. 633.05(8), the State Fire Marshal shall be the final administrative authority for firesafety standards established and enforced pursuant to this section.

(b) The number and qualifications of all personnel having responsibility for the care of residents. *The rules shall require adequate staff to provide for the safety of all residents.*

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, and maintenance thereof, which will ensure the health and comfort of residents. *The rules shall clearly delineate the responsibilities of the department's licensure staff and the responsibilities of the county public health units and ensure that inspections are not duplicative.*

(d) The levying and enforcement of penalties and use of income from fees and fines.

(e) The enforcement of the resident bill of rights specified in s. 400.428.

(f) The care and maintenance of residents which shall include, but not be limited to:

1. The provision of personal services;

2. The provision of, or arrangement for, social and leisure activities;

3. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents; and

4. The provision of limited nursing services.

(g) The establishment of specific criteria to define appropriateness of admission and continued residency.

(h) The definition and use of mechanical restraints. The use of mechanical restraints is limited to half-bed rails as prescribed and documented by the resident's physician.

(4) The department may use an abbreviated annual inspection which consists of a review of key quality of care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations or uncorrected class III violations within the two licensure periods immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The department shall develop the key quality of care standards with input from the State Long-Term Care Facilities Ombudsman Council and representatives of provider groups for incorporation into its rules. On or before March 1, 1991, the department shall report to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality of care standards which have been developed; a description of the process used to develop the standards, including other groups involved; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the department to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 14. Section 400.452, Florida Statutes, is amended to read:

400.452 Staff training and educational programs; core educational requirement.—

(1) The department shall provide, or cause to be provided, training and educational programs for the administrators and such other facility staff as are defined by the department to better enable them to appropriately respond to the needs of residents and to meet licensure requirements. The department shall also establish a core educational requirement to be used in these programs. *Programs may be offered by the department or by a provider approved by the department. The core educational requirement shall cover at least the following topic areas:*

(a) State law and rules on adult congregate living facilities;

(b) Identifying and reporting abuse, neglect, and exploitation; and

(c) Special needs of the elderly and mentally ill.

Such programs shall be available at least annually. Facility administrators and such staff shall complete a core educational requirement within a reasonable time period determined by the department. Failure to complete a core educational requirement within the time set by the department is a violation of this part and subjects the violator to a penalty as prescribed in s. 400.419. Administrators licensed in accordance with chapter 468, part II, are exempt from this requirement. *Other licensed professionals may be exempt, as determined by the department by rule. Any facility which has at least one resident who receives monthly optional supplementation payments is not required to pay for the training and education programs provided under this section. A facility which does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee, as established by the department, for such training and education programs.*

(2) If the department determines that there are problems in a facility that could be reduced through specific staff training or education beyond that already required under this section, the department may require, and provide, or cause to be provided, the training or education of any personal-care staff in the facility.

Section 15. Section 400.453, Florida Statutes, is amended to read:

400.453 Consultation by the department.—

(1) The *area* ~~district~~ offices of *licensure and certification of* the department shall provide consultation to the following upon request:

(a) A licensee of a facility.

(b) A person interested in obtaining a license to operate a facility under this part.

(2) As used in this section, "consultation" includes:

(a) An explanation of the requirements of this part and rules adopted pursuant thereto;

(b) An explanation of the license application and renewal procedures;

(c) The provision of a checklist of general local and state approvals required prior to constructing or developing a facility and a listing of the types of agencies responsible for such approvals;

(d) An explanation of benefits and financial assistance available to a recipient of supplemental security income residing in a facility; ~~and~~

(e) Any other information which the department deems necessary to promote compliance with the requirements of this part.*; and*

(f) A preconstruction review of a facility to ensure compliance with department rules and this part.

(3) The department may charge a fee commensurate with the cost of providing consultation under this section.

Section 16. Subsection (1) of section 509.241, Florida Statutes, is amended to read:

509.241 Licenses required; exceptions.—

(1) Licenses; annual renewals.—Each public lodging establishment and each public food service establishment shall obtain a license from the division. Such license shall not be transferable from one place or individual to another. It shall be a misdemeanor of the second degree, punishable as provided in s. 775.082*,* *or* s. 775.083, ~~or s. 775.084,~~ for such an establishment to operate without a license. The division may refuse a license, or a renewal thereof, to any establishment that is not constructed and maintained in accordance with law and with the rules of the division. The division may refuse to issue a license, or a renewal thereof, to any establishment an operator of which, within the preceding 5 years, has been adjudicated guilty of, or has forfeited a bond when charged with, any crime reflecting on professional character, including soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or illegally dealing in narcotics, whether in this state or in any other jurisdiction within the United States, *or has had a license denied, revoked, or suspended pursuant to s. 400.414.* Licenses shall be renewed annually, and the division shall adopt a rule establishing a staggered schedule for license renewals.

Section 17. Paragraph (a) of subsection (3) of section 381.703, Florida Statutes, 1988 Supplement, is amended to read:

381.703 Local and state health planning.—

(3) FUNDING.—

(a) The Legislature intends that the cost of local health councils and the Statewide Health Council be borne by application fees for certificates of need and by assessments on health care facilities subject to facility licensure by the department, including abortion clinics, adult congregate living facilities *if they do not have in residence at least one resident who is a recipient of optional state supplementation*, adult day care centers, ambulatory surgical centers, birthing centers, clinical laboratories *except community nonprofit blood banks*, crisis stabilization units, home health agencies, hospices, hospitals, intermediate care facilities for the mentally retarded, nursing homes, and multiphasic testing centers.

Section 18. *Each section which is added to part II of chapter 400, Florida Statutes, by this act, is repealed on October 1, 1993, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 19. Subsections (1), (4), (8), and (9), of section 415.102, Florida Statutes, are amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(1) "Abuse" means the infliction of physical or psychological injury to an aged person or disabled adult ~~so as to adversely affect such person's or adult's physical or psychological condition~~, or the failure of a caregiver to take reasonable measures to prevent the *occurrence* ~~recurrence~~ of physical or psychological injury to an aged person or disabled adult.

(4) "Caregiver" means a person or persons responsible for the care of an aged person or disabled adult. "Caregiver" includes, but is not limited to, relatives, adult children, parents, neighbors, day care personnel, adult foster home sponsors, personnel of public and private institutions and facilities, nursing homes, adult congregate living facilities, and state institutions *who* ~~which~~ have voluntarily assumed the care of an aged person or disabled adult or have been entrusted with the care of an aged person or disabled adult on a temporary or permanent basis.

(8) "Disabled adult" means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, *or who has one or more physical or mental limitations which restrict his ability to perform the normal activities of daily living* ~~which causes the person to be substantially unable to protect himself from the abusive conduct of others~~.

(9) "Exploitation" means, but is not limited to, the improper or illegal use or management of an aged person's or disabled adult's funds, assets, or property or the use of an aged person's or disabled adult's power of attorney or guardianship for *other's or* one's own profit or advantage.

Section 20. Paragraph (a) of subsection (1), paragraphs (c) and (d) of subsection (3), and paragraph (a) of subsection (4) of section 415.103, Florida Statutes, 1988 Supplement, are amended, and paragraph (c) is added to subsection (1) of said section, to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory reports of death; central abuse registry and tracking system; immunity from liability.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of aged persons or disabled adults;

2. Health or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff, adult congregate living facility staff, adult day care center staff, social worker, or other professional adult care, foster care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer; ~~or~~

6. Human rights advocacy committee or long-term care ombudsman council member*; or*;

7. Bank, savings and loan, or credit union officer, trustee or employee,

who knows, or has reasonable cause to suspect, that an aged person or disabled adult is an abused, neglected, or exploited person shall immediately report such knowledge or suspicion to the central abuse registry and tracking system of the department on the single statewide toll-free telephone number.

(c) Each report made by a person listed in paragraph (a) shall be confirmed in writing to the local office of the department designated by the central abuse registry and tracking system, within 48 hours of the initial report.

(3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.—

(c) Upon completion of its investigation, the designated aging and adult services district staff of the department shall classify reports either as "confirmed," "indicated," or "unfounded." At this time, the department shall notify the victim named in the report, the guardian or guardians or the caregiver of the aged person or disabled adult named as the victim, and the alleged perpetrator, if other than the guardian or guardians or the caregiver, of the completion of the investigation of the report, the classification of the report, and the right to ask for amendment or expunction pursuant to paragraph (d). All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an unfounded report shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the central abuse registry and tracking system related to an indicated report shall be expunged from the central abuse registry and tracking system 7 years *after the receipt* ~~from the~~ date of the last indicated report concerning any person named in the report. *Computer records of a confirmed report shall be retained for 50 years from the receipt date of the report.* All information, other than identifying information, related to an indicated or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the aged person or disabled adult to detect patterns of abuse, neglect, or exploitation. Persons named in unfounded or indicated reports shall not be identified as ~~alleged~~ perpetrators. All information in the *records of the* central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.107.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.101-415.113, the department shall amend or expunge the record. The department shall notify the victim and the alleged perpetrator of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, the victim or alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the *central* abuse registry *and tracking system* or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.101-415.113.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may, within 1 year of the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator *of a confirmed report* asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator *of a confirmed report* shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse, ~~or~~ neglect, *or exploitation. The department's investigative report shall be considered competent evidence at the chapter 120 hearing, and the technical rules of evidence shall not exclude such report.* If the secretary refuses to amend or expunge and the alleged perpetrator *of a confirmed report* fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the ~~alleged~~ perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse, ~~or~~ neglect, *or exploitation.* If the secretary refuses to amend or expunge and the alleged perpetrator asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR THE CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.—

(a) The statewide toll-free telephone number for the central abuse registry and tracking system shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged persons or disabled adults. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of an Aged Person or Disabled Adult, Please Call: ~~Toll-free 1-800-342-9152~~."

Section 21. Subsection (1) of section 415.104, Florida Statutes, 1988 Supplement, is amended to read:

415.104 Protective services investigations of cases of abuse, neglect, or exploitation of aged persons or disabled adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged person or disabled adult, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival *of the protective investigator* at the scene of the incident, a caregiver refuses to allow the department to begin a protective services investigation or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted *to assist the department in commencing the protective services investigation.* If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate criminal justice agency *and state attorney* shall be orally notified in order that such *agencies* ~~agency~~ may begin a criminal investigation concurrent with the protective services investigation of the department. The department shall make a preliminary written report to the criminal justice *agencies* ~~agency~~ within 5 working days of the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the aged person or disabled adult alleged to have been abused, neglected, or exploited and the nature of the report. For each report it receives, the department shall perform an onsite investigation to:

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator of a confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the *central abuse registry* ~~identification~~ and tracking system to the fullest extent possible.

(d) Determine the immediate and long-term risk to each aged person or disabled adult through utilization of standardized risk assessment instruments.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.

~~If the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred shall be notified.~~

Section 22. Subsection 5 of Section 415.105, Florida Statutes, is amended to read:

415.105 Provision of protective services with consent of aged person or disabled adult; withdrawal of consent; caregiver refusal.—

(5) EMERGENCY PROTECTIVE SERVICES INTERVENTION.—If the department has reason to believe that an aged person or disabled adult is suffering from abuse or neglect which presents a substantial risk of death or immediate and serious physical harm to such aged person or disabled adult, *and that the aged person or disabled adult lacks the capacity to consent to emergency protective services,* the department may take action pursuant to this subsection. *If the aged person or disabled adult has the capacity to consent and refuses consent to emergency protective services, emergency protective services shall not be provided. For purposes of this subsection "immediate" means within 24 hours. For purposes of this subsection specified medical personnel means those medical personnel included in the adult protection teams in s 415.1102.*

(a) Emergency entry of premises.—If, upon arrival at the scene of the incident, consent is not obtained for access to the alleged victim for purposes of conducting a protective services investigation pursuant to this subsection and the department has reason to believe that the situation presents a potential risk of death or immediate and serious physical harm, a representative of the department, accompanied by the appropriate law enforcement officer, may forcibly enter the premises. If, after obtaining access to the alleged victim, it is determined through a personal assessment of the situation that no emergency exists and there is no requirement for emergency intervention pursuant to this subsection, the department shall either terminate the provision of services or shall provide protective services pursuant to the provisions of s. 415.104 or this section.

(b) Emergency removal from premises.—When, from the personal observations of a representative of the department *including specified medical personnel, it appears that the aged person or disabled adult lacks the capacity to consent to emergency protective services and it appears from the personnel observations of the representative of the department including specified medical personal* and *the* law enforcement officer, ~~it appears~~ that the aged person or disabled adult is likely to incur a substantial risk of death or immediate and serious physical harm if such person is not immediately removed from the premises, the representative of the department shall transport or arrange for the transportation of the aged person or disabled adult to an appropriate medical or protective services facility. The department shall, within 24 hours of taking such action, petition the court for an emergency order authorizing protective services.

(c) Authorization for medical treatment.—If, immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment to an aged person or disabled adult has not given or has refused to give such consent and it is the professional opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm or death, the medical facility may proceed with treatment to the aged person or disabled adult. The person who is authorized to give consent may petition an appropriate court to prevent or withdraw treatment.

(d) Contents of petition.—The petition filed pursuant to the provisions of paragraph (b) shall allege the name, age, and address of the aged person or disabled adult and the facts constituting the emergency intervention and subsequent removal, information relating to the capacity of the aged person or disabled adult to consent to services, and the efforts of the department to obtain consent, and the services needed.

(e) Preliminary hearing.—

1. When action is taken under this subsection, a preliminary hearing shall be held within 48 hours of the signing of the emergency protective services order, excluding Saturday, Sunday, and legal holidays, to establish probable cause for grounds to continue emergency protective services. If the court finds that probable cause to continue emergency protective services does not exist, the provision of emergency protective services pursuant to this subsection shall be discontinued.

2. In the event that probable cause for continued emergency protective services is determined to exist, the court may order temporary emergency protective services for up to 4 days. In issuing an emergency protective services order, the court shall adhere to the following limitations:

a. Only such protective services as are necessary to remove the conditions creating the emergency shall be ordered, and the court shall specifically designate the approved services in the order of the court.

b. Protective services authorized by an emergency protective services order shall not include a change of residence, unless the court specifically finds such action is necessary to remove the conditions creating the emergency and gives specific approval for such action in the order of the court. Emergency placement may be made to such facilities as adult foster homes, adult congregate living facilities, nursing homes, or other appropriate facilities. Emergency placement shall not be made to facilities for the acutely mentally ill, except as provided in chapter 394.

(f) Notice.—Notice of the filing of a petition pursuant to paragraph (g) and other relevant information, including the factual basis of the belief that emergency protective services are needed and a description of the exact services rendered, shall be given to the aged person or disabled adult, to his spouse, to his guardian, if any, to legal counsel representing the aged person or disabled adult, and, where known, to his adult children or next of kin. Such notice shall be given at least 24 hours prior to the hearing of the petition for emergency protective services pursuant to paragraph (g).

(g) Hearing.—A hearing shall be held at the end of 4 days to determine whether:

1. Protective services shall be provided with the consent of the aged person or disabled adult pursuant to subsection (1);

2. Protective services shall be discontinued; or

3. A petition shall be filed to provide protective services pursuant to the provisions of subsection (3).

(h) If at a hearing held under the provisions of this paragraph it is decided to file a petition pursuant to the provisions of subsection (3), the court may order continued protective services until a determination is made by the court regarding the aged person's or disabled adult's capacity to consent.

Section 23. Paragraph (a) of subsection (2) of section 415.107, Florida Statutes, 1988 Supplement, is amended, paragraph (k) is added to said subsection, and subsection (6) is added to said section, to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(2) Access to such records, excluding the name of the reporter, which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies for the following purposes:

(a) Employees or agents of the department responsible for carrying out adult *or child* protective services investigations, ongoing adult *or child* protective services, or licensure or approval of nursing homes, adult congregate living facilities, adult day care centers, adult foster homes, home care for the elderly, hospices, or other facilities used for the placement of aged persons or disabled adults.

(k) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

(6) Upon payment of a fee in the amount of $5, which funds shall be deposited in an administrative trust fund of the department, and with the written consent of a person applying to work with aged persons or disabled adults, the department shall search its central abuse registry and tracking system for the existence of a confirmed report. The department shall advise the employer and the person of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.103(3)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

Section 24. Subsection (1) of section 415.1085, Florida Statutes, is amended to read:

415.1085 Photographs, medical examinations, and X rays of abused or neglected aged persons or disabled adults.—

(1) Any person authorized by law to investigate cases of alleged abuse or neglect of an aged person or disabled adult may take or cause to be taken photographs of the areas of trauma visible on the aged person or disabled adult who is the subject of a report, and photographs of the surrounding environment, with the consent of the subject or guardian or guardians. If the areas of trauma visible on the aged person or disabled adult indicate a need for medical examination, *or if the aged person or disabled adult verbally complains or otherwise exhibits distress as a result of injury through suspected adult abuse, neglect, or exploitation, or is alleged to have been sexually abused,* the department may, with the consent of the subject or guardian or guardians, cause the aged person or disabled adult to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examination and X rays, if deemed necessary by the examining physician. Medical examinations performed and X rays taken pursuant to this section shall be paid for by third-party reimbursement, if available, or by the subject or his guardian, if they are determined to be financially able to pay; or, if neither is available, the department shall pay the costs within available emergency services funds.

Section 25. Section 415.1102, Florida Statutes, is created to read:

415.1102 Adult protection teams; services; eligible cases.—The department may develop, maintain, and coordinate the services on one or more multidisciplinary adult protection teams in each of the service districts of the department. Such teams may be composed of, but not limited to, representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(1) The department shall utilize and convene the teams to supplement the protective services activities of the aging and adult services program of the department. Nothing in this section shall be construed to prevent a person from reporting pursuant to s. 415.103 all suspected

or actual cases of abuse, neglect, or exploitation of an aged person or disabled adult. The role of the teams shall be to support activities of the aging and adult services program and to provide services deemed by the teams to be necessary and appropriate to abused, neglected, and exploited aged persons or disabled adults upon referral. Services shall be provided with the consent of the aged person, disabled adult, or guardian or through court order. The specialized diagnostic assessment, evaluation, coordination, and other supportive services that an adult protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse, neglect, or exploitation as defined by department policy or rule.

(d) Psychological and psychiatric diagnosis and evaluation services for the aged person or disabled adult.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual adults beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for aged persons or disabled adults whose cases have been referred to the team. An adult protection team may provide consultation with respect to an aged person or disabled adult who has not been referred to the team, but who is alleged or is shown to be abused, neglected, or exploited, which consultation shall be provided at the request of a representative of the aging and adult services program or at the request of any other professional involved with an aged person or disabled adult or his guardian or guardians, or other caregivers. In every such adult protection team case staffing consultation or staff activity involving an aged person or disabled adult, an aging and adult services program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling adult abuse, neglect, or exploitation cases.

(j) Education and community awareness campaigns on adult abuse, neglect or exploitation in an effort to enable citizens more successfully to prevent, identify, and treat adult abuse, neglect, and exploitation in the community.

(2) The adult abuse, neglect, or exploitation cases that are appropriate for referral by the aging and adult services program to adult protection teams for supportive services include, but are not limited to, cases involving:

(a) Unexplained or implausibly explained bruises, burns, fractures, or other injuries in an aged person or disabled adult.

(b) Sexual abuse, molestation, or exploitation of an aged person or disabled adult.

(c) Reported medical, physical, or emotional neglect, either self or second party, of an aged person or disabled adult.

(d) Reported financial exploitation of an aged person or disabled adult.

In all instances in which an adult protection team is providing certain services to abused, neglected, or exploited aged persons or disabled adults, other offices and units of the department shall avoid duplicating the provisions of those services.

Section 26. Paragraphs (c) and (d) of subsection (4) of section 415.504, Florida Statutes, 1988 Supplement, are amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse registry and tracking system.—

(4)

(c) Upon completion of its investigation, the local office of the department shall classify reports as "confirmed," "indicated," or "unfounded." At this time the department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator, if other than the child's parent or guardian, of the completion of its investigation of the report and whether the report is classified as "confirmed," "indicated," or "unfounded." All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to unfounded reports shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an indicated report shall be expunged from the central abuse registry and tracking system 7 years *after the receipt* ~~from the~~ date of the last indicated report concerning any person named in the report. *Computer records of a confirmed report shall be retained for 50 years from the receipt date of the report.* All information, other than identifying information, related to indicated or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the child to detect patterns of abuse or neglect. Persons named in the unfounded or indicated reports shall not be identified as ~~alleged~~ perpetrators. All information in the central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.51.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.501-415.514, the department shall amend or expunge the record. The department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator, if other than the child's parent or guardian, of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, any alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the central abuse registry and tracking system or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.501-415.514.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may within 1 year of the classification of the report as confirmed request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator *of a confirmed report* asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator *of a confirmed report* shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse or neglect. *The department's investigative report shall be considered competent evidence at the chapter 120 hearing, and the technical rules of evidence shall not exclude such report.* If the secretary refuses to amend or expunge and the alleged perpetrator *of a confirmed report* fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the ~~alleged~~ perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator *of a confirmed report* asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

Section 27. Paragraph (b) of subsection (1) of section 415.505, Florida Statutes, 1988 Supplement, is amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)

(b) For each report it receives, the department shall perform an onsite child protective investigation to:

1. Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents or other persons responsible for the child's welfare; and any other adults in the same household.

2. Determine whether there is indication that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse or neglect, including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator in a confirmed report of abuse or neglect shall cooperate in the provision of the required data for the *central abuse registry* ~~identification~~ and tracking system, to the fullest extent possible.

3. Determine the immediate and long-term risk to each child through utilization of standardized risk assessment instruments.

4. Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's well-being and development and cause the delivery of those services through the early intervention of the departmental worker responsible for provision and management of identified services in order to preserve and stabilize family life, if possible.

Section 28. Subsection (1) of section 415.507, Florida Statutes, 1988 Supplement, is amended to read:

415.507 Photographs, medical examinations, X rays, and medical treatment of abused or neglected child.—

(1) Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report.~~and,~~ If the areas of trauma visible on a child indicate a need for a medical examination, *or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse or neglect, or is alleged to have been sexually abused, the person required to investigate* may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, legal guardian, or legal custodian. Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464. Any licensed physician, or advanced registered nurse practitioner licensed pursuant to chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse may authorize a radiological examination to be performed on the child without the consent of the child's parent, legal guardian, or legal custodian.

Section 29. Subsection (2) of section 415.51, Florida Statutes, 1988 Supplement, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection *(7)* ~~(6)~~, shall be granted only to the following persons, officials, and agencies for the following purposes:

(a) Employees or agents of the department responsible for carrying out child *or adult* protective investigations, ongoing child *or adult* protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children.

(b) A law enforcement agency investigating a report of known or suspected child abuse or neglect.

(c) The principal of the school in which a school resource officer is investigating a report of child abuse involving a student enrolled in that school.

(d) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(e) Any child, parent, or perpetrator who is the subject of a report or the subject's guardian, custodian, guardian ad litem, or counsel.

(f) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse or neglect when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional child abuse or neglect.

(i) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data, and the department has given written approval.

(j) The Department of Law Enforcement for the purpose of assisting local law enforcement agencies and the department in identifying and investigating crimes perpetrated against children, including, but not limited to, prostitution, sexual or physical abuse, pornography, pedophilia, and child homicides.

(k) The Division of Administrative Hearings for purposes of any administrative challenge relating to the report.

(l) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

Section 30. Subsections (4) and (5) of section 110.1127, Florida Statutes, 1988 Supplement, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to said section to read:

110.1127 Employee security checks.—

(4) Within the Department of Health and Rehabilitative Services, all permanent or temporary employees in the central abuse registry and tracking system and all persons working under contract who have access to abuse records shall be screened for recorded reports of abuse, neglect, or exploitation pursuant to ss. 415.101-415.113 and ss. 415.501-415.514. Such employees shall be rescreened annually. A confirmed report shall disqualify an applicant or an employee from employment. The presence of indicated reports prior to July 1, 1987, shall be processed as provided in ss. 415.107(5)(a) and 415.51(4). The exemption procedures provided in subparagraph (3)(b)2. shall be available to persons covered under this subsection.

Section 31. Section 400.701, Florida Statutes, is created to read:

400.701 Intermediate care facilities; intent.—The Legislature recognizes the need to develop a continuum of long-term care in this state to meet the needs of the elderly and disabled persons. The Legislature finds that there is a gap between the level of care provided in adult congregate living facilities and in nursing homes. The Legislature finds that exploration of intermediate-level care facilities which would fill the gap between adult congregate living facilities and nursing homes, where both the federal and state government share the cost of providing care, is an appropriate option to explore in the continuum of care.

Section 32. Section 400.702, Florida Statutes, is created to read:

400.702 Development of intermediate care facilities.—

(1) The Department of Health and Rehabilitative Services is directed to issue a request for proposals, pursuant to the provisions of chapter 287, for a pilot program of intermediate-level care facilities. The development of intermediate-level care facilities under this pilot program shall be limited to four projects in geographic locations distributed in the south, north and central part of the state and shall not exceed a total of 120 beds in each location. None of the projects may accept residents prior to July 1, 1990. The intermediate-level care facilities shall:

(a) Provide care to residents whose condition requires intermediate care services, including 24-hour observation and care and the constant availability of medical and nursing treatment and care, but not to the degree of care and treatment provided in a hospital or that which meets the criteria for skilled nursing services.

(b) Accept only low-income residents who receive subsidized housing vouchers through the United States Department of Housing and Urban Development or other subsidized housing programs.

(c) Accept only low-income residents who are Medicaid recipients.

(d) Be exempt from all requirements to obtain a certificate of need pursuant to ss. 381.701-381.715, however, the beds so utilized will be counted in the total bed supply for determination of nursing home bed needs.

(e) Be licensed as a nursing home pursuant to ss. 400.011-400.346, except that the department is given the authority to waive any requirement that unnecessarily restricts the development of intermediate care facilities, provided such waiver does not contravene federal or state law. The department shall, however, ensure that the health and safety of residents of intermediate care facilities is adequately protected.

(2) The request for proposals issued by the department shall provide that preference be given to:

(a) Programs that can document in detail the cost of care provided.

(b) Programs that emphasize the provision of social rehabilitative services.

(c) Programs that provide the most homelike setting and include providers who have experience in providing long-term care or residential services to the elderly.

(d) Providers that have successfully operated other programs of the type specified in this section and include providers who can demonstrate a good record of past performance in Florida or any other state in which they have developed services as specified in paragraph (c) of this section.

(e) Programs that will cooperate with evaluation of the pilot programs.

(f) Programs that propose the lowest Medicaid nursing home rate of reimbursement consistent with adequate care.

(g) Programs that demonstrate that they can successfully complete a project of this type.

The department may include any other evaluation criteria that it determines will ensure a successful program.

(3) The department shall contract for an evaluation of these pilot programs. An annual report shall be made to the Legislature, on or before February 1, on the cost of the programs to the state and on the appropriate role of these intermediate care facilities in the continuum of care. A complete evaluation of the pilot programs shall be presented to the Legislature on or before February 1, 1994, which shall include the following:

(a) A description of the type of resident accepted in intermediate care facilities, including the specific characteristics of intermediate care residents as contrasted with residents of adult congregate living facilities and nursing homes.

(b) A determination of the relative costs to the state for intermediate care facilities in comparison to adult congregate living facilities and nursing homes.

(c) A recommendation as to whether or not the state should authorize the further development of intermediate care facilities.

(d) A recommendation on any other alternative programs which would fill the gap in the continuum of care between adult congregate living facilities and nursing homes.

Section 33. Paragraph (c) of subsection (3) and subsection (6) of section 420.5087, Florida Statutes, 1988 Supplement, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first or second mortgage loans to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very low-income persons.

(3) During the first 6 months of loan availability:

(c)*1.* Forty-five percent of the program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for elderly persons.

2. Ten percent of the amount reserved pursuant to subparagraph 1. shall be reserved to provide loans to sponsors of housing for the elderly, as defined in s. 420.904, for the purpose of making life-safety or security-related repairs or improvements to such housing which are required by federal or state regulation. A loan for a life-safety or security-related repair or improvement may not exceed $100,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community for the elderly must make a commitment to match at least 25 percent of the loan amount to pay the cost of such repair or improvement. The agency shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 5 years. The agency shall establish by rule the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this subparagraph. A loan application must include evidence of the mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of a loan received pursuant to this subparagraph to pay for administrative costs, routine maintenance, or new construction.

(6) On all state apartment incentive loans, *except loans made to housing communities for the elderly to provide for life-safety or security-related repairs or improvements,* the following provisions shall apply:

(a) The agency shall establish two interest rates in accordance with s. 420.507(22)(a) 1. and 2.

(b) The agency shall publish a Notice of Fund Availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline date and shall provide notice of the temporary reservations of funds established in subsection (3).

(c) The agency shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the agency.

2. Targeting objectives of the agency which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than 20 percent of the units in the project for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent; however, when certificates or vouchers are accepted as payment for rent on units set-aside pursuant to subsection (2), the benefit must be divided between the agency and the sponsor, as provided by agency rule.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost.

8. Local government contributions.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

(d) The agency shall have the authority to reject any and all applications.

(e) The agency shall have the authority to approve and reject applications for the purpose of achieving geographic targeting.

(f) A review committee composed of the executive director and two policymaking employees of the agency shall approve or reject applications for loans. Any applicant disputing the denial of a loan application or any other determination by the review committee may appeal the decision to the governing board of the agency within 21 calendar days of notification of the determination. Appeals shall be made in writing to the executive director of the agency and shall be heard within 30 days after receipt or during the next regularly scheduled meeting of the governing board, whichever is later.

(g) The loan term shall be for a period of not more than 15 years; however, the agency may renegotiate and extend the loan in order to extend the availability of housing for the targeted population.

(h) The loan shall become due and payable upon project sale, transfer, or refinancing.

(i) The discrimination provisions of s. 420.516 shall apply to all loans.

(j) The agency may require units dedicated for the elderly.

(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits.

(l) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under the provisions of subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under the provisions of subsection (2) may continue to qualify under the provisions of subsection (2) in a project funded by this program if the adjusted gross income of said persons or families at the time of annual recertification meets the requirements established in s. 142(3)(B) of the Internal Revenue Code of 1986, as amended. Should the annual recertification of persons or families qualifying under the provisions of subsection (2) result in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under the provisions of subsection (2) in order to ensure continuing compliance of the project.

Section 34. This act shall take effect July 1, 1989, except that Sections 5 through 7 shall take effect October 1, 1989.

(Renumber subsequent section.)

Amendment 2—On page 1, line 2, through page 2, line 28, strike all of said lines and insert: An act relating to adult services; creating the Florida Commission on Aging; providing for the appointment of commission members; providing for the commission to appoint an executive director; authorizing reimbursement for per diem and travel expenses for members of the commission; requiring the commission to prepare a master plan for policies and programs related to aging; requiring the commission to make certain recommendations to the Governor, Cabinet members, the Department of Health and Rehabilitative Services, and the Legislature regarding programs related to aging; requiring the commission to review certain budget requests; requiring the commission to make certain reports; requiring the commission to administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council; requiring the commission to hold public meetings; authorizing the commission to seek assistance from appropriate agencies; requiring agencies to cooperate in providing such assistance; amending s. 110.501, F.S.; redefining the term "volunteer" to include persons serving in certain programs authorized under federal law; providing for benefits for such persons; providing for positions and appropriations for the Commission on Aging and the State Nursing Home and Long-Term Care Facility Ombudsman Council; providing for future review and repeal of the commission; amending s. 400.301, F.S.; providing legislative intent; amending s. 400.304, F.S.; requiring the State Unit on Aging of the Department of Health and Rehabilitative Services to contract with the Commission on Aging to operate an Office of the State Long-Term Care Ombudsman; providing duties and responsibilities of the department and the state council with respect to the program; requiring council members to be chosen from recommendations made as specified; changing the time period after which the council itself shall fill a vacancy; providing for staggering the terms of office of council members; deleting direction to the Department of Health and Rehabilitative Services and providing direction to the Commission on Aging to submit a separate budget request for the state and district councils; amending s. 400.307, F.S.; providing for district ombudsman councils to function under the direction of the state ombudsman council; limiting the number of terms and changing the length of terms of district council members; deleting direction to the department to submit a separate budget request for the district councils; amending s. 400.211, F.S.; providing for the revision of certification requirements for nursing assistants under specified circumstances; amending s. 409.212, F.S.; providing a base rate of payment for the optional state supplementation; providing optional amounts for mental health residents; providing an annual adjustment for the optional state supplementation; establishing eligibility for optional supplementation; providing a definition of base rate of payment; amending s. 400.402, F.S.; modifying the definition of adult congregate living facilities to allow for limited mental health services; modifying the definition of "supervision of self-administered medication"; providing a definition of "mental health resident"; amending s. 400.407, F.S.; providing a penalty; authorizing certain facilities to be designated to provide limited mental health services to mental health residents; setting requirements for limited mental health services; providing additional payments for limited mental health services within funds appropriated; changing the license fee for limited nursing services; providing a license fee for limited mental health services; amending s. 400.411, F.S.; providing for further use of provisional licenses; amending s. 400.414, F.S.; providing the burden of proof in administrative proceedings; providing additional grounds for licensure actions; amending s. 400.417, F.S.; deleting certain conditional licenses; creating s. 400.4174, F.S.; requiring certain reports of abuse, neglect, or exploitation to be provided to the office of licensure and certification; amending s. 400.418, F.S.; clarifying disposition and use of trust funds; amending s. 400.419, F.S.; clarifying that a fine may be imposed upon an unlicensed facility; amending s. 400.426, F.S.; requiring that medical examination reports accompany facility residents; providing for evaluation of residents placed in facilities by the Department of Health and Rehabilitative Services; providing subsequent examinations in certain circumstances; amending s. 400.441, F.S.; eliminating duplicate fire and health inspections; requiring adequate staff; authorizing abbreviated annual inspections in certain facilities; amending s. 400.452, F.S.; providing training for facility administrators; providing for a fee; amending s.

400.453, F.S.; providing for optional preconstruction review; amending s. 509.241, F.S.; providing grounds for denial of licensure of a public lodging or food service establishment; amending s. 381.703, F.S., relating to annual assessment fees for local and state health planning; providing review and repeal; amending s. 415.102, F.S.; modifying definitions; amending ss. 415.103 and 415.504, F.S.; expanding requirements relating to mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults and of child abuse or neglect; providing for admission of certain evidence at hearings; deleting a toll-free number; amending s. 415.104, F.S.; clarifying provisions relating to protective services investigations; amending s. 415.105, F.S.; changing the requirement for emergency protective services, providing definitions, providing medical personnel to determine capacity to consent, providing medical personnel and others to determine the need for emergency protective services; amending ss. 415.107 and 415.51, F.S.; providing certain access to records to child or adult protective services investigators and the Department of Professional Regulation; authorizing the Department of Health and Rehabilitative Services to search its central abuse registry and advise employers, under certain circumstances; authorizing the Department of Health and Rehabilitative Services to charge a fee; amending ss. 415.1085 and 415.507, F.S.; expanding authorization for referral of abused or neglected persons to a physician or emergency center; creating s. 415.1102, F.S.; providing for adult protective teams; providing for services; providing criteria for referral of cases to adult protective teams; amending s. 415.505, F.S.; conforming terminology; amending s. 110.1127, F.S.; requiring annual screening of persons working with the central abuse registry; creating s. 400.701, F.S.; providing legislative intent; creating s. 400.702, F.S.; directing the Department of Health and Rehabilitative Services to issue a request for proposals for a pilot program; specifying requirements; providing an exemption from certificate-of-need requirements; providing selection criteria; providing for evaluation of pilot programs; requiring an annual report; amending s. 420.5087, F.S.; requiring the Florida Housing Finance Agency of the Department of Community Affairs to reserve a specified amount of the program funds of the State Apartment Incentive Loan Program to provide mortgage loans for specified repairs and improvements of housing for the elderly; specifying a maximum loan amount, interest rate, and loan term; requiring a sponsor to match a specified percentage of the loan amount; requiring the agency to establish a procedure for applying for such a loan; prohibiting a sponsor from using loan proceeds for certain purposes; providing an effective date.

Senator Weinstock moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 23, strike all of lines 7-24 and insert:

Section 17. Paragraph (g) is added to subsection (3) of section 381.703, Florida Statutes, 1988 Supplement, to read:

381.703 Local and State health planning.—

(3) FUNDING.—

(g) The department shall, by rule, establish fees for adult congregate living facilities based on an assessment of $1 per bed, however, no such facility shall be assessed more than a total of $150 under this subsection.

Amendment 2—On page 2, strike all of lines 11-14 and insert: The base rate of payment means the total payments

Amendment 3—On page 38, line 21, after the period (.) insert: *Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464.*

Amendment 4—On page 38, line 31, strike "The" and insert: Subject to an appropriation, the

Amendment 5—On page 57, between lines 22 and 23, insert:

Section 34. The Commission on Aging established in Section 1 of this act shall be named the Claude Denson Pepper Commission on Aging and shall be known as the Pepper Commission on Aging.

(Renumber subsequent section.)

Senator Weinstock moved the following amendments to House Amendment 2 which were adopted:

Amendment 1—In title, on page 4, line 18, after the first semicolon (;) insert: creating s. 400.4195, F.S.; prohibiting certain rebates;

Amendment 2—In title, on page 3, strike all of lines 16-19 and insert: mental health residents; providing a

Amendment 3—In title, on page 7, line 2, after the semicolon (;) insert: naming the Claude Denson Pepper Commission on Aging; providing an effective date.

On motion by Senator Weinstock, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for CS for SB 1298 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Jennings	Ros-Lehtinen
Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Margolis	Weinstein
Childers, D.	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Motion

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider SB 1303 this day.

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 1224—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.02, F.S.; revising the definition of the term "public utility"; defining the term "electric utility"; correcting the definition for the term "commission"; amending s. 366.04, F.S.; revising the jurisdiction of the Florida Public Service Commission with respect to the sale and issuance of securities by public utilities; giving the commission jurisdiction over the assumption by a public utility of liabilities or obligations as guarantor, endorser, or surety; expanding commission jurisdiction with respect to territorial agreements and disputes; providing for customer participation in proceedings to approve territorial agreements or resolve territorial disputes; amending s. 366.041, F.S.; limiting the ability of utilities to impose impact fees under certain circumstances; amending s. 366.05, F.S.; revising the commission's authority to address inadequacies in the energy grid; authorizing the commission to require reports from utilities and their affiliated companies; creating s. 366.051, F.S.; setting forth the rights and obligations of utilities and the jurisdiction of the commission regarding the sale, purchase, and transmission of power produced by cogenerators or small power producers; amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances; amending s. 366.072, F.S., relating to rate adjustment orders; revising a cross-reference; amending s. 366.093, F.S.; expanding the commission's access to records; revising provisions relating to the confidentiality of certain public utility records; defining proprietary confidential business information; providing for a time limit on confidentiality; amending s. 366.095, F.S.; deleting certain penalties that the commission may assess against utilities; amending s. 366.11, F.S.; revising the application of certain exemptions; amending s. 366.81, F.S.; revising legislative findings and intent regarding energy conservation; amending s. 366.82, F.S.; providing an exemption from conservation requirements; revising provisions related to conservation goals and plans; providing for the participation of the Executive Office of the Governor in establishing conservation goals; creating s. 366.14, F.S.; providing for regulatory assessment fees to be paid by electric and gas utilities under the commission's jurisdiction; transferring and renumbering s. 366.031, F.S., relating to a prohibition against an electric utility's giving certain preferences to a cable television service; repealing s. 366.135, F.S., relating to existing rates and pending proceedings; exempting s. 366.093, F.S., from review under the Open Government Sunset Review Act; reviving and readopting ss. 366.01-366.03, 366.04-366.075, 366.08-366.13, 366.80-366.85, F.S., relating to public utilities, notwithstanding their scheduled repeal October 1, 1989, by chs. 81-318 and 82-25, Laws of Florida; repealing ss. 366.01-366.85, F.S., relating to public utilities, effective October 1, 1999, and providing for review of said sections in advance of that date; providing an effective date.

—with pending Amendment 7, which was adopted.

Senator Grizzle moved the following amendment which was adopted:

Amendment 8—On page 24, line 26, insert a new Section 14:

(1) All meetings of any board of trustees of a cooperative organized pursuant to Chapter 425, Florida Statutes, or the board of any affiliated company or subsidiary thereof, at which official acts are to be taken are declared to be meetings open to the membership of such cooperative at all times, and no formal action shall be considered binding except as taken or made at an open meeting. The minutes of a meeting of any such cooperative board or board of any affiliated company or subsidiary thereof shall be promptly recorded, and such records shall be open to inspection by any cooperative member. Reasonable notice of meetings shall be provided to the membership. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any cooperative member.

(2) Every person who has custody of the records of a cooperative organized pursuant to Chapter 425, Florida Statutes, or any affiliated company or subsidiary thereof, shall permit the records to be inspected and examined by any member of such cooperative desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the records or his designee. The custodian shall furnish a copy of the records upon payment of the actual cost of duplication of the record. This section shall not apply to records which constitute proprietary confidential business information as defined in Section 366.093, Florida Statutes.

(3) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

Senator Gardner moved the following amendment which was adopted:

Amendment 9—On page 25, between lines 14 and 15, insert:

Section 18. A new section 18 is added to read: Nothing in this act shall be construed to affect the outcome of litigation commenced prior to the effective date of this act.

(Renumber subsequent sections.)

Senator Gordon moved the following amendments which failed:

Amendment 10—On page 11, between lines 3 and 4, insert:

Section 5. Subsection (10) is added to section 366.05, Florida Statutes, to read:

366.05 Powers.—

(10) In the exercise of its jurisdiction, the commission shall have power to set a public utility's return on equity outside the scope of a full revenue requirements proceeding. Effective March 31, 1990, if a public utility's return on equity has not been set by the commission during the preceding 12 months, the commission shall establish the public utility's allowed return on equity. Under these circumstances, the commission shall set the midpoint of the public utility's allowed return on equity as 1 percentage point above the average yield, over the previous 12 months, of a published index of public utility bonds of similar bond rating as that of the public utility. The return on equity set pursuant to this subsection shall be used for interim rate purposes, allowance for funds used during construction, earnings surveillance, and all other purposes for which an authorized or last allowed return on equity is used.

(Renumber subsequent sections.)

Amendment 11—On page 12, between lines 13 and 14, insert:

Section 6. Section 366.0655, Florida Statutes, is created to read:

366.0655 Rate case expenses to be paid by public utility under certain circumstances.—In any case where an increase in rates has been requested by a public utility pursuant to this chapter and that increase is challenged, and the rate increase is denied or is granted but in an amount less than requested, the rate case expenses, including internal and external costs and attorney's fees, shall be apportioned in such a way that the public utility shall not recover in its rates the proportion of the rate case expenses which is equal to the percentage difference between the rate increase requested and the rate increase approved.

(Renumber subsequent sections.)

Amendment 12—On page 12, between lines 13 and 14, insert:

Section 6. Subsection (4) is added to section 366.06, Florida Statutes, to read:

366.06 Rates; procedure for fixing and changing.—

(4) The commission shall ensure that the rates and charges of all public utilities reflect current federal income tax and state corporate income tax rates by no later than January 1, 1990.

(Renumber subsequent sections.)

Amendment 13—On page 13, lines 6 and 7, strike "established in its last rate case"

Further consideration of **CS for SB 1224** as amended was deferred.

On motion by Senator Kirkpatrick, by unanimous consent—

SB 1089—A bill to be entitled An act relating to the University of Florida; designating present Floyd Hall as Griffin-Floyd Hall; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—In title, on page 1, line 30, strike "$8 million" and insert: $19 million

Amendment 2—In title, on page 2, strike all of lines 1-6 and insert:

WHEREAS, Ben Hill Griffin's interest and love for the University of Florida has led him to share his personal wealth in many and significant ways, including recent gifts of $2,020,000 for the restoration and preservation of historic Floyd Hall, the original building used as the College of Agriculture; and $10 million for the University J. Hillis Miller Health Center and the University's athletic programs, and

WHEREAS, his generosity entitles him to the distinction of being the largest single donor to a State University in the history of the State of Florida, and

Amendment 3—On page 2, strike all of lines 14-18 and insert:

Section 1. (1) The football stadium at Florida Field at the University of Florida campus is hereby named the Ben Hill Griffin Stadium at Florida Field.

(2) This section is repealed December 15, 1989, and shall be reviewed by the Legislature prior to that date.

Section 2. Wilber F. Floyd Hall on the University of Florida campus is hereby renamed the Ben Hill Griffin, Jr.--Wilber F. Floyd Hall.

Section 3. The University of Florida is authorized to expend funds to erect appropriate markers bearing the designations made by this act.

Amendment 4—In title, on page 1, line 2, after the semicolon (;) insert: naming the football stadium at Florida Field in honor of Ben Hill Griffin, Jr.; providing for future repeal and review of such designation;

On motion by Senator Kirkpatrick, by two-thirds vote SB 1089 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Childers, D.	Forman	Jennings
Bankhead	Childers, W. D.	Gardner	Johnson
Beard	Crenshaw	Girardeau	Kirkpatrick
Brown	Davis	Gordon	Kiser
Bruner	Deratany	Grant	Langley
Casas	Dudley	Grizzle	Malchon

Margolis	Peterson	Souto	Walker
McPherson	Plummer	Stuart	Weinstein
Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Scott	Thurman	Woodson-Howard

Nays—None

The Senate resumed consideration of—

CS for SB 1224—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.02, F.S.; revising the definition of the term "public utility"; defining the term "electric utility"; correcting the definition for the term "commission"; amending s. 366.04, F.S.; revising the jurisdiction of the Florida Public Service Commission with respect to the sale and issuance of securities by public utilities; giving the commission jurisdiction over the assumption by a public utility of liabilities or obligations as guarantor, endorser, or surety; expanding commission jurisdiction with respect to territorial agreements and disputes; providing for customer participation in proceedings to approve territorial agreements or resolve territorial disputes; amending s. 366.041, F.S.; limiting the ability of utilities to impose impact fees under certain circumstances; amending s. 366.05, F.S.; revising the commission's authority to address inadequacies in the energy grid; authorizing the commission to require reports from utilities and their affiliated companies; creating s. 366.051, F.S.; setting forth the rights and obligations of utilities and the jurisdiction of the commission regarding the sale, purchase, and transmission of power produced by cogenerators or small power producers; amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances; amending s. 366.072, F.S., relating to rate adjustment orders; revising a cross-reference; amending s. 366.093, F.S.; expanding the commission's access to records; revising provisions relating to the confidentiality of certain public utility records; defining proprietary confidential business information; providing for a time limit on confidentiality; amending s. 366.095, F.S.; deleting certain penalties that the commission may assess against utilities; amending s. 366.11, F.S.; revising the application of certain exemptions; amending s. 366.81, F.S.; revising legislative findings and intent regarding energy conservation; amending s. 366.82, F.S.; providing an exemption from conservation requirements; revising provisions related to conservation goals and plans; providing for the participation of the Executive Office of the Governor in establishing conservation goals; creating s. 366.14, F.S.; providing for regulatory assessment fees to be paid by electric and gas utilities under the commission's jurisdiction; transferring and renumbering s. 366.031, F.S., relating to a prohibition against an electric utility's giving certain preferences to a cable television service; repealing s. 366.135, F.S., relating to existing rates and pending proceedings; exempting s. 366.093, F.S., from review under the Open Government Sunset Review Act; reviving and readopting ss. 366.01-366.03, 366.04-366.075, 366.08-366.13, 366.80-366.85, F.S., relating to public utilities, notwithstanding their scheduled repeal October 1, 1989, by chs. 81-318 and 82-25, Laws of Florida; repealing ss. 366.01-366.85, F.S., relating to public utilities, effective October 1, 1999, and providing for review of said sections in advance of that date; providing an effective date.

—as amended.

Senator Margolis moved the following amendment which was adopted:

Amendment 14—In title, on page 1, line 31, before "amending" insert: subjecting cogenerated electrical power transmission to the gross receipts tax and the sales tax; amending s. 212.06, F.S.; limiting application of the manufacturer's use tax exemption to certain cogenerated electricity; amending s. 203.01, F.S.; imposing the gross receipts tax upon certain transmissions of cogenerated electricity;

Senator Jennings moved the following amendment which was adopted:

Amendment 15—In title, on page 1, line 15, strike "agreements and"

On motion by Senator Jennings, by two-thirds vote CS for SB 1224 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Forman	Kirkpatrick	Myers	Thomas
Gardner	Kiser	Peterson	Thurman
Girardeau	Langley	Plummer	Walker
Grant	Malchon	Ros-Lehtinen	Weinstein
Grizzle	Margolis	Scott	Weinstock
Jennings	McPherson	Souto	Woodson-Howard
Johnson	Meek	Stuart	

Nays—1

Gordon

CS for SB 1225—A bill to be entitled An act relating to the regulation of water and sewer systems; amending s. 367.011, F.S.; revising how ch. 367, F.S., may be cited; amending s. 367.021, F.S.; revising the term "utility," as used in ch. 367, F.S., to mean a water or wastewater utility; revising and adding other definitions of terms used in ch. 367, F.S.; amending s. 367.022, F.S., relating to exemptions; conforming terminology used; exempting wastewater treatment plants operated exclusively for disposing of industrial wastewater from ch. 367, F.S.; amending s. 367.031, F.S.; requiring utilities to obtain certificates of authorization prior to being issued permits by the Department of Environmental Regulation or a water management district; requiring the commission to grant or deny an application within 90 days unless an objection is filed; creating s. 367.045, F.S.; providing application and amendment procedures that utilities must follow when applying for an original or amended certificate of authorization; providing for objections and hearings thereon; amending s. 367.071, F.S.; providing a penalty if a transfer occurs prior to commission approval; conforming terminology used; revising cross-references; providing for the discontinuation and refund of interim rates; requiring that systems obtained through foreclosure continue providing service; conforming terminology used; amending s. 367.081, F.S.; requiring the commission to consider a utility's investment in land acquired or facilities constructed or to be constructed in fixing and changing rates; authorizing the commission to project certain data when establishing initial rates; prohibiting a utility from using the index procedures during a rate proceeding; revising the noticing requirement; conforming terminology used; revising a cross-reference; creating s. 367.0814, F.S.; providing procedures to be used when a utility requests staff assistance in changing its rates or charges; amending s. 367.082, F.S., relating to interim rates; providing for collection under escrow or letter of credit; providing for the discontinuance and refund of interim rates; amending s. 367.083, F.S.; changing the time within which the commission must determine the official date of filing or issue another statement of deficiencies; creating s. 367.084, F.S.; requiring that certain orders adjusting rates that are issued by the commission be reduced to writing; providing for notice; amending s. 367.091, F.S.; providing for applications for new classes of services; prohibiting a utility from collecting rates or charges that have not been approved; amending s. 367.101, F.S.; requiring the commission to set just and reasonable charges for services and conditions for service availability; revising a cross-reference; amending s. 367.111, F.S.; providing for the commission to reduce a utility's return on equity if certain state standards are not met; conforming terminology used; amending s. 367.121, F.S.; conforming terminology used; authorizing the commission to require necessary reports from utilities and their affiliated companies; amending s. 367.122, F.S.; revising the manner in which fees are paid; amending s. 367.123, F.S.; conforming terminology used; creating s. 367.145, F.S.; providing for regulatory assessment and application fees; providing for disposition and use of fees; amending s. 367.156, F.S.; revising provisions relating to the confidentiality of certain public utility records; providing for proprietary confidential business information; exempting said section from review under the Open Government Sunset Review Act; amending s. 367.161, F.S.; conforming terminology used; amending s. 367.165, F.S.; conforming terminology used; amending s. 367.171, F.S., relating to effectiveness of chapter in certain counties; providing for counties to remain under the jurisdiction of the commission for a specified time; revising a cross-reference; authorizing the commission to require that a utility apply for an original certificate if it fails to register within a specified time; revising the list of counties excluded from ch. 367, F.S.; conforming terminology used; amending s. 367.182, F.S., relating to applicability of the act; deleting provisions relating to certificate renewal; repealing s. 367.041, F.S., relating to applications for certificates; repealing s. 367.051, F.S., relating to issuance of certificates; repealing s. 367.055, F.S., relating to applications for deletion of territory; repealing s. 367.061, F.S., relating to extensions of certificates; repealing s. 367.141, F.S., relating to fees; repealing s. 367.151, F.S., relating to gross receipts tax; reviving and readopting ss. 367.011-367.031, 367.071-367.123, 367.156-367.182, F.S., as amended, notwithstanding their scheduled repeal by chs. 81-318, 82-25,

and 84-149, Laws of Florida, October 1, 1989; repealing ss. 367.011-367.182, F.S., October 1, 1999, and providing for review of such sections in advance of that date; providing that proceedings pending before the commission prior to the effective date of this act shall be disposed of in accordance with the law in effect at that time; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 6, strike line 5 and insert: *subdivision, as defined by s. 1.01(8), or a regional water supply authority created pursuant to s. 373.1962.*

Amendment 2—On page 33, strike line 27 and insert: *statutory provision, an order of a court or administrative body or private agreement that provides that*

Amendment 3—On page 35, line 2, after the period (.) insert: *During commission consideration of an extension, the records in question will remain exempt from s. 119.07(1).*

Senators Deratany and Gardner offered the following amendment which was moved by Senator Deratany and adopted:

Amendment 4—On page 13, line 5, after "public interest" insert: *and that the buyer, assignee, or transferee will fulfill the commitments, obligations, and representations of the utility*

Senator Bankhead moved the following amendment which was adopted:

Amendment 5—On page 22, line 1, insert:

Section 9. Section 367.0816, Florida Statutes, is created to read:

367.0816 Recovery of Rate Case Expenses.—The amount of rate case expense determined by the commission pursuant to the provisions of this chapter, to be recovered through a public utilities rates shall be apportioned for recovery over a period of 4 years. At the conclusion of the recovery period the rate of the public utility shall be reduced immediately by the amount of rate case expense previously included in rates.

(Renumber subsequent sections.)

Senator Langley presiding

Senator Thurman moved the following amendment which was adopted:

Amendment 6—On page 20, between lines 28 and 29, insert a new Subsection (7):

(7) The commission shall determine the reasonableness of rate case expenses and shall disallow all rate case expenses determined to be unreasonable. No rate case expense determined to be unreasonable shall be paid by a consumer. In determining the reasonable level of rate case expense the commission shall consider the extent to which a utility has utilized or failed to utilize the provisions of subsection (4)(a) or (b) and such other criteria as it may establish by rule.

Senator Bankhead moved the following amendment which was adopted:

Amendment 7—On page 2, line 15, insert: creating s. 367.0816, F.S.; providing for recovery of rate case expense to cease after a period of four years;

Senators Deratany and Gardner offered the following amendment which was moved by Senator Deratany and adopted:

Amendment 8—In title, on page 1, line 25, after the second semicolon (;) insert: providing prerequisites to the sale, assignment, or transfer of a certificate of authorization;

On motion by Senator Jennings, by two-thirds vote CS for SB 1225 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Souto	

Nays—None

Consideration of **CS for SB 676** was deferred.

The Senate resumed consideration of—

CS for HB 877—A bill to be entitled An act relating to acupuncture; amending s. 457.105, F.S.; modifying qualifications for certification to practice acupuncture; providing an effective date.

—which was considered and amended May 24.

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed. The vote was:

Yeas—8

Bankhead	Forman	Gordon	Stuart
Crenshaw	Girardeau	Meek	Walker

Nays—23

Beard	Dudley	Kiser	Ros-Lehtinen
Brown	Gardner	Langley	Scott
Casas	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Weinstock
Childers, W. D.	Jennings	Myers	Woodson-Howard
Davis	Johnson	Plummer	

Vote after roll call:

Yea to Nay—Bankhead

Senator Girardeau moved the following amendments which failed:

Amendment 2—On page 1, strike all of lines 16-19 and insert: *national certification process or* passes an examination administered by the

Amendment 3—On page 1, line 19, after "state" insert: *and which offers reciprocity in certification to persons certified under the laws of this state*

On motion by Senator Dudley, CS for HB 877 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Bankhead	Crenshaw	Johnson	Plummer
Beard	Deratany	Kiser	Ros-Lehtinen
Brown	Dudley	Langley	Scott
Bruner	Gardner	Malchon	Thurman
Casas	Grant	Margolis	Walker
Childers, D.	Grizzle	McPherson	Weinstock
Childers, W. D.	Jennings	Myers	Woodson-Howard

Nays—5

Davis	Girardeau	Weinstein
Forman	Meek	

Consideration of **CS for SB 1349** was deferred.

On motions by Senator Weinstock, by two-thirds vote—

CS for HB 1818—A bill to be entitled An act relating to prevention, early assistance, and early childhood; creating part I of chapter 411, F.S., relating to general provisions; providing a short title; providing definitions; providing a continuum of comprehensive services; specifying requirements for the continuum; providing requirements for evaluation design and contracting; providing for rules; creating part II of chapter

411, F.S., relating to prevention and early assistance; providing legislative intent; requiring a joint strategic plan; requiring submission of the plan to the Governor and Legislature; specifying contents; delineating responsibilities of the Department of Health and Rehabilitative Services and the Department of Education; requiring establishment of an Office of Prevention, Early Assistance, and Child Development in each department; establishing an interagency coordinating council; delineating intraagency and interagency responsibilities; requiring a memorandum of agreement; creating the State Coordinating Council for Early Childhood Services; providing membership, terms of office, organizational procedures, and duties; providing for funding; requiring a report; requiring the development of uniform standards; creating part III of chapter 411, F.S., relating to infants and toddlers; providing a short title; providing legislative intent; requiring development of prototypes for comprehensive services to high-risk infants and toddlers; providing requirements; providing for grants; providing selection criteria; requiring third-party evaluation and providing requirements; creating the Children's Trust Fund; providing for use, access, source of funds, and reversion of funds; amending s. 409.029, F.S.; revising criteria with respect to participation in employment and training activity; creating s. 402.27, F.S.; providing for establishment of child care and early childhood resource information agencies; specifying purpose; providing for rules; creating s. 402.28, F.S.; providing for special licensure for certain child care programs; specifying standards; providing for grants; creating s. 402.3193, F.S.; creating the Child Care Trust Fund; providing for use, source of funds, and reversion of funds; amending s. 402.3195, F.S.; providing for loans to establish new or expand existing family day care homes; changing the name of a trust fund; creating s. 402.45, F.S.; establishing a community resource mother or father program; providing for contracts; providing requirements; providing for coordination with and review by the State Coordinating Council for Early Childhood Services; providing for an evaluation; providing for rules; creating s. 402.47, F.S.; establishing a foster grandparent and retired senior volunteer services program; providing definitions; providing for contracts; providing for program criteria and evaluation; providing for rules; creating s. 383.013, F.S.; providing for a statewide prenatal care program; requiring provision of services, risk factor analysis, and program monitoring; providing for expedited services and training; creating s. 383.215, F.S.; establishing developmental intervention and parent support and training programs; providing definitions; delineating program components; providing requirements for coordination and operation; providing for evaluation; creating s. 230.2303, F.S.; creating the Florida First Start Program; allowing school districts to submit plans; requiring components for plan approval; requiring evaluation, monitoring, and technical assistance; requiring an annual report; providing for coordination; providing for funding; providing for rules; repealing s. 228.0615(8), F.S., relating to the State Advisory Council on Early Childhood Education; repealing s. 402.30, F.S., relating to the Department of Health and Rehabilitative Services advisory council on child care; repealing ss. 411.101, 411.102, 411.103, 411.104, 411.105, 411.106, 411.107, 411.1071, 411.1072, 411.1075, and 411.108, F.S., relating to the Handicap Prevention Act of 1986; providing for review and repeal; amending s. 230.2316, F.S., relating to dropout prevention; revising criteria for teenage parent programs; requiring school district development and implementation of teenage parent programs; providing exceptions; requiring an inventory of community services and programs; amending s. 232.01, F.S.; entitling pregnant or parenting teens to participation in a teenage parent program; amending s. 232.246, F.S.; revising topics to be included in life management skills courses; amending s. 232.304; revising the duties and responsibilities of district multiagency coordinating councils; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse; revising intent; revising a definition; expanding program requirements; requiring instruction in the consequences of teenage pregnancy; amending s. 233.011, F.S.; requiring the Department of Education to revise curriculum frameworks; amending s. 236.083, F.S.; providing for transportation of pregnant students or student parents; amending s. 234.01, F.S.; requiring transportation as part of teenage parent programs; amending s. 42 of chapter 88-337, Laws of Florida; extending time for submission of final report of the Task Force on the Future of the Florida Family; providing an effective date.

—a companion measure, was substituted for CS for SB 676 and by two-thirds vote read the second time by title.

Senator Weinstock moved the following amendment:

Amendment 1—On page 5, line 3, strike everything after the enacting clause and insert:

Section 1. Sections 1-3 of this act may be cited as the "Children's Early Investment Act."

Section 2. Legislative intent; purpose.—The Legislature recognizes the need for and value of intensive, comprehensive, integrated, and continuous services statewide for young children who are at risk of developmental dysfunction or delay. For the purposes of the Children's Early Investment Program, the term "young children" includes infants, 1-year-olds, and 2-year-olds. The Legislature supports intensive and comprehensive supportive programs and services being directed to expectant mothers and young children who, because of economic, social, environmental, or health factors, need such services to enhance their development. The Legislature recognizes that children are part of families and that lasting effects on children can occur most productively when there is investment in and with families. The participants in the Children's Early Investment Program shall receive priority consideration for needed services, including prenatal care; health services to mothers and their young children; child care; alcohol and drug abuse treatment services; and economic support and training services. It is the intent of the Legislature that programs and services that will enhance a child's physical, social, emotional, and intellectual development and provide support to parents and other family members be provided initially to geographic areas where the expectant mothers and young children are at great risk and that these programs and services ultimately be available statewide to all children and families who need them. These programs and services must be offered and coordinated by persons who have adequate time, skill, and resources to work with participants in a meaningful and effective manner.

Section 3. Children's Early Investment Program.—

(1) CREATION.—There is hereby created the Children's Early Investment Program for young children who are at risk of developmental dysfunction or delay and for their families. This program shall coordinate a variety of resources to program participants through a responsible agent for the child and the child's family. The services and assistance provided shall focus on the family and shall be comprehensive. The programs and services offered shall enhance family independence and shall provide social and educational resources needed for healthy child development.

(2) GOALS.—The goal of the Children's Early Investment Program is to encourage and assist an effective investment strategy for the at-risk young children in this state and their families so that they will develop into healthy and productive members of society. The Children's Early Investment Program is designed to provide intensive early intervention to at-risk expectant mothers, young children, and their families in order that this state will invest now for a future in which the work force is skilled and stable; in which crime rates are reduced; and in which the social and economic costs of high-risk pregnancies and low birthweight babies are reduced. The objectives of the Children's Early Investment Program are to increase the percentage of children entering the school system who are ready and able to learn; to reduce teenage pregnancies among this at-risk population; to reduce the numbers of cocaine babies born in this state; to reduce the crime rate among these children as they grow up; to reduce the rate of school dropouts in this state and to increase the basic skills and ability of the future work force. It is anticipated the efforts targeted now to expectant mothers and young children will show their greatest results in the years when these at-risk children enter school and when they are teenagers and young adults. Benefits are also anticipated, however, as the families of these children are assisted in addressing their own needs, and corresponding reductions in foster care placements, low birthweight babies, teen pregnancy, economic instability and dependence, and other signs of dysfunction are anticipated.

(3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of AFDC mothers, children of teenage parents, low birthweight babies and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;

2. Its capacity to identify and serve those children least able to access existing programs and case management services;

3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner;

4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide off-site services;

5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;

6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;

7. How its plan will involve project participants and community representatives in the planning and operation of the investment program; and

8. Its ability to participate in the evaluation component required in this section.

(b) While a flexible range of services is essential in the implementing of this act, the following services shall be considered the core group of services:

1. Adequate prenatal care;

2. Health services to the at-risk young children and their families;

3. Infant and child care services;

4. Parenting skills training;

5. Education or training opportunities appropriate for the family; and

6. Economic support.

Additional services may include, without limitation, alcohol and drug abuse treatment, mental health services, housing assistance, transportation, and nutrition services.

(4) IMPLEMENTATION.—

(a) The Department of Health and Rehabilitative Services or its designee shall implement the Children's Early Investment Program using the criteria provided in this section. The department or its designee shall evaluate and select the programs and sites to be funded initially. The initial contract awards must be made no later than January 15, 1990. No more than one of each of the following prototypes may be selected among the first sites to be funded:

1. A program based in a county public health unit;

2. A program based in an office of the Department of Health and Rehabilitative Services;

3. A program based in a local school district;

4. A program based in a local board or council that is responsible for coordinating and managing community resources from revenue sources earmarked for helping children and meeting their needs; and

5. A program based in a local, public or private, not-for-profit provider of services to children and their families.

(b) By January 1, 1993, the Children's Early Investment Program shall be available in all communities meeting the criteria in paragraph (3)(a). While the program will serve at-risk children at various ages, it is intended that the program will identify and expand to infants and their families as new participants and assist them in an intensive and continuous manner until age 3.

(5) ACCOUNTABILITY AND EVALUATION.—

(a) The Department of Health and Rehabilitative Services or its designee shall evaluate the Children's Early Investment Program with respect to its:

1. Design effectiveness;

2. Effectiveness of each different delivery system;

3. Participant outcomes, including, without limitation, those listed in subsection (2); and

4. Cost-effectiveness and estimates of future savings.

In addition, the evaluation shall identify appropriate targets for expansion, gaps in available services, and any other information pertinent to the evaluation. The evaluation shall also provide recommendations for expansion strategies, including the feasibility and advisability of expanding to serve 3-year-olds as well as recommendations related to geographic expansion strategies. The evaluation shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees and subcommittees of the Legislature by January 1, 1991, and by January 1 of each year thereafter. An interim report shall be submitted by March 1, 1990.

(b) In addition to the annual evaluation, the department or its designee shall conduct a longitudinal study of participant outcomes, the results of which shall be reported every 5 years. The first longitudinal report shall be due by January 1, 1995, or 5 years after the startup of the prototypes, whichever is later.

(6) RULES FOR IMPLEMENTATION.—The Department of Health and Rehabilitative Services shall adopt rules necessary to implement this section.

Section 4. Sections 4 and 5 of this act may be cited as the Child Care Resource and Referral Network Act.

Section 5. The Department of Health and Rehabilitative Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Health and Rehabilitative Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

(1) Identification of existing child care and early childhood education services and the development of a resource file of those services. These services may include family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, and related family support services. The resource file shall include, but not be limited to:

(a) Type of program.

(b) Hours of service.

(c) Ages of children served.

(d) Number of children served.

(e) Significant program information.

(f) Fees and eligibility for services.

(2) The establishment of a referral process which responds to parental need for information and which is provided with full recognition of the confidentiality rights of parents. Resource and referral programs shall make referrals to licensed child care facilities. Referrals shall be made to an unlicensed care facility or arrangement only if there is no requirement that the facility or arrangement be licensed.

(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral agencies:

(a) Number of calls and contacts to the child care information and referral agency component by type of service requested.

(b) Ages of children for whom service was requested.

(c) Time category of child care requests for each child.

(d) Special time category, such as nights, weekends, and swing shift.

(e) Reason that the child care is needed.

(4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:

(a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.

(b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.

(5) Assistance to families in applying for various sources of subsidy including, but not limited to, Title XX/SSBG subsidized child care, head start, prekindergarten early intervention programs, project independence, private scholarships, and the federal dependent care tax credit.

(6) Assistance to state agencies in determining the market rate for child care.

(7) Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.

Section 6. Section 402.3193, Florida Statutes, is created to read:

402.3193 Child Care Trust Fund created; definition.—

(1) As used in this section, "child care" is defined as provided in s. 402.302.

(2) There is created with the State Treasury a Child Care Trust Fund to be used by the Department of Health and Rehabilitative Services. Funds deposited in the trust fund shall be used for the following purposes:

(a) To reduce and, if possible, to eliminate the waiting list for subsidized child care.

(b) To promote public-private partnerships for full-day and before and after school child care.

(c) To expand the availability of child care and to enhance the quality of child care through, but not limited to, such efforts as payment of market rates; training of child care personnel as defined in s. 402.302; assistance in program development and expansion through provision of low-interest loans pursuant to s. 402.3195; and provision of support services and technical assistance to child care providers.

(d) To provide child care and early childhood program resource information pursuant to s. 402.27.

(3) The Department of Health and Rehabilitative Services may accept gifts and donations from individuals, private organizations, and foundations or grants from state or federal government. All funds received in this manner shall be deposited in the trust fund. The trust fund may receive state appropriations.

(4) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the Legislature shall revert to the trust fund.

(5) Funds deposited into the Child Care Trust Fund shall not be used to supplant any funds currently being used to fund child care, including the purposes as specified in subsection (2).

Section 7. Section 402.3195, Florida Statutes, 1988 Supplement, is amended to read:

402.3195 Legislative intent; definition; Child Care Facility *and Family Day Care Home* Trust Fund; loan program.—

(1) The Legislature finds and declares that the development of child care facilities *and family day care homes* is desirable and recommended and should be encouraged and fostered by the state. The Legislature further recognizes that the demand for child care services will be increasing as a greater percentage of the mothers of children under age 6 enter the labor force each year. The capital outlay required to establish a new child care facility *or family day care home* or expand an existing child care facility *or family day care home* makes it very difficult for child care providers to recover their investment while providing good quality care at a price that customers can afford to pay. Therefore, it is the intent of the Legislature to develop a loan trust fund to provide support and encouragement in the establishment and expansion of child care facilities *and family day care homes.*

(2) As used in this section, "child care facility" is a facility as defined in s. 402.302(4) *and "family day care home" is a home as defined in s. 402.302(5).*

(3) There is created a Child Care Facility *and Family Day Care Home* Trust Fund in the State Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of granting loans to eligible applicants for the costs of expanding existing child care facilities *and family day care homes* and establishing new child care facilities *and family day care homes.* There shall be deposited into the fund all moneys appropriated by the Legislature or moneys received from any other source for the purpose of this section and all proceeds derived from the use of such moneys; however, interest earned on loans made from the fund as well as income earned by the fund invested pursuant to s. 18.125 shall revert to the Child Care Facility *and Family Day Care Home* Trust Fund and shall be used by the department to cover administrative and personnel costs incurred in implementing the provisions of this section. Any interest earned on loans or income from the invested fund not required for the administration or implementation of this section shall revert to the Child Care Facility *and Family Day Care Home* Trust Fund.

(4) The department shall issue requests for proposals to establish or expand child care facilities *and family day care homes* in areas of the state with the greatest need for child care facilities *or family day care homes.* To be eligible to receive a loan, an applicant shall:

(a) Submit a proposal which meets the requirements of the request for proposal issued by the department.

(b) Be of good moral character as determined through screening as defined in ss. 402.301-402.319.

(c) Agree to comply with all applicable licensing requirements contained in ss. 402.301-402.319.

(d) Agree to make available up to 25 percent of the facility's *or home's* child care slots for child care which is purchased by the department through central agencies, if a need and funding for such care exist.

No loan shall exceed $100,000.

(5) In addition to any terms or conditions which the department may require, each loan agreement shall include:

(a) Provision for interest, which shall be set at 5 percent per annum, unless the applicant agrees to make available 75 percent or more of the facility's *or home's* child care slots for child care as described in paragraph (4)(d), in which case, interest shall be set at 1 percent per annum.

(b) Provision for a schedule for the repayment of principal and interest upon terms not to exceed 10 years.

(c) Provisions for reasonable security for the loan to ensure the repayment of the principal and any interest accrued within the term specified.

(d) Provisions to ensure that the land acquired shall be utilized for the development or expansion of a child care facility.

(6) In the event of default on a loan, the department is empowered on behalf of the state to foreclose on any mortgage or security interest or commence any legal action to protect the interest of the state and recover the amount of the unpaid principal and accrued interest on behalf of the fund.

(7) The department is authorized to adopt rules necessary to establish terms and conditions that will ensure that the purposes of this section are carried out and the state's interests are adequately protected.

(8) The department shall submit to the Governor and the Legislature by June 30 an annual report with complete details of the amount loaned, interest earned, loan recipients, number of children cared for, and balances on all loans outstanding at the end of each fiscal year.

(9) The lending authority granted to the department under this section shall expire June 30, 1993. All unencumbered and repaid funds after this date shall revert and be transferred to the General Revenue Fund of the state, unallocated. Loan payments received in the fund after June 30, 1993, shall revert and be transferred to the General Revenue Fund, unallocated, as they are received.

Section 8. Section 402.45, Florida Statutes, is created to read:

402.45 Community resource mother or father program.—

(1) The Department of Health and Rehabilitative Services shall establish community resource mother or father pilot programs pursuant to this section within the resources allocated. The purpose of the programs shall be to demonstrate the benefits of utilizing community resource mothers or fathers to improve maternal and child health outcomes; to enhance parenting and child development, including the educational enrichment of these children through the promotion of increased awareness by their mothers and fathers of their own strengths and potentials as home educators; and to support family integrity through the provision of social support, parent education and training, and assistance to pregnant women and high-risk or handicapped preschool children and their parents.

(2) Counties with high incidences of medically underserved high-risk children, low birthweight, and infant mortality shall be given priority for the establishment of the community resource mother or father pilot programs.

(3) The Department of Health and Rehabilitative Services shall select counties for pilot programs and shall contract with county public health units, other public agencies, not-for-profit agencies, or any combination thereof to carry out the programs utilizing community resource mother or father services.

(4) A community resource mother or father shall be an individual who will provide social support, parent training, assistance, and education to high-risk pregnant women and handicapped or high-risk children and their parents. This individual shall also by residence and by resources be able to identify with the target population and shall meet the following minimum criteria:

(a) Be at least 25 years of age.

(b) Be a mother or father.

(c) Be an AFDC recipient or person with income below the federal poverty level or have an income equivalent to community clients.

(5) The Department of Health and Rehabilitative Services may, in addition to the criteria in subsection (4), require other criteria to contract for community resource mother or father services.

(6) The Department of Health and Rehabilitative Services shall create a community resource mother or father advisory committee to monitor and advise the Department of Health and Rehabilitative Services in the development and implementation of the community resource mother or father program. The community resource mother or father advisory committee shall guide the Department of Health and Rehabilitative Services in the development of program guidelines, the development of requests for proposals, the selection of proposals, the establishment of evaluation procedures, the provision of technical assistance to individual projects, and the development of the program evaluation report.

(7) The Department of Health and Rehabilitative Services shall develop the guidelines.

(8) Members of the community resource mother or father advisory committee shall serve without compensation but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(9) The members of the community resource mother or father advisory committee shall serve terms of 3 years. The committee shall not exceed 15 members and shall include:

(a) The chairperson of the Department of Community and Family Health, College of Public Health, University of South Florida, or a representative of a public or private university department of public health who shall chair the committee;

(b) A state health officer;

(c) A representative from the Department of Health and Rehabilitative Services Handicap Prevention Unit; the Children's Medical Services Program Office; the Developmental Services Program Office; the Children, Youth, and Families Program Office; and the Economic Services Program Office;

(d) A representative from the Developmental Disabilities Planning Council;

(e) A representative from the Bureau of Education for Exceptional Students, Florida Department of Education;

(f) A representative from the Interagency Council for Infants and Toddlers;

(g) A county public health unit director;

(h) A county public health unit nurse or social worker;

(i) A representative of a not-for-profit organization which represents the rights of high-risk pregnant women, high-risk children, or handicapped children and their parents;

(j) A representative from a home-based program, administered through a school system, which uses paraprofessional aides to train mothers of disadvantaged preschoolers to work with their children in the home setting not only to improve the educational capabilities of the children but also to improve bonding through positive parent/child interaction and to improve both parenting skills and parent self-worth; and

(k) A parent representative of the target population.

(10) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health and Rehabilitative Services in consultation with the community resource mother or father advisory committee. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

(11) The community resource mother or father shall be assigned a caseload established by the Department of Health and Rehabilitative Services in consideration of geographic distance, severity of problems on the caseload, and skills needed to address the problems. A plan shall be developed for each case that includes at a minimum:

(a) A statement of the high-risk pregnant woman's problems or child's problems and needs.

(b) The goals and objectives of the intervention program.

(c) The services to be provided by the community resource mother or father.

(d) Community resources to be used.

(e) A schedule of visits between resource mothers or fathers and clients.

(12) Supervision of the community resource mother or father shall be the responsibility of the county public health unit or other public agency or nonprofit agency under contract to the department, whichever is appropriate, and may be delegated to a community agency under contract.

(13) Evaluation of the pilot projects shall be the responsibility of the Department of Health and Rehabilitative Services with the advice and assistance of the community resource mother or father advisory committee.

(14) Within 2 years after the implementation of any pilot projects, an evaluation report shall be presented to the Governor, the President of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, evaluating the effectiveness of the community resource mother or father program. The report shall include cost-effectiveness data and recommendations for its continuation or discontinuation.

(15) The Department of Health and Rehabilitative Services may adopt rules necessary for implementation of this section.

Section 9. Section 402.47, Florida Statutes, is created to read:

402.47 Foster grandparent and retired senior volunteer services to high-risk and handicapped children.—

(1) As used in this section, the term:

(a) "Foster grandparent" means an individual who volunteers to provide support services to high-risk and handicapped children.

(b) "Foster grandparent program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, to provide opportunities for low-income persons 60 years of age and older to give support services to high-risk and handicapped children.

(c) "Retired senior volunteer" means an individual who volunteers to provide services under the retired senior volunteer program.

(d) "Retired senior volunteer program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, for the purpose of providing volunteer opportunities for any person 60 years of age or older who wants to use his or her experience and talents in useful service to others in the community.

(2) The Department of Health and Rehabilitative Services shall:

(a) Establish a program to provide foster grandparent and retired senior volunteer services to high-risk and handicapped children. Foster grandparent services and retired senior volunteer services to high-risk and handicapped children shall be under the supervision of the Deputy Secretary for Programs, in coordination with intra-agency and interagency programs and agreements as provided for in s. 411.104.

(b) In authorized districts, contract with foster grandparent programs and retired senior volunteer programs for services to high-risk and handicapped children, utilizing funds appropriated for handicap prevention.

(c) Develop guidelines for the provision of foster grandparent services and retired senior volunteer services to high-risk and handicapped children, and monitor and evaluate the implementation of the program.

(d) Coordinate with the Federal Action State Office and the Florida Developmental Disabilities Planning Council regarding the development of criteria for program elements and funding.

(3) The department may adopt rules necessary to implement this section.

Section 10. Section 383.013, Florida Statutes, is created to read:

383.013 Prenatal care.—The Department of Health and Rehabilitative Services shall:

(1) Provide a statewide prenatal care program for low-income pregnant women, which includes early, regular prenatal care by practitioners trained in prenatal care and delivery.

(2) Provide a risk-factor analysis to identify women at risk for a preterm birth, or other high-risk conditions, and provide education regarding maintaining healthy birth conditions.

(3) Monitor the availability and accessibility of prenatal care services and the development of special outreach programs for medically underserved and rural areas.

(4) Establish by rule the eligibility criteria for prenatal care for indigent pregnant women when state funds are used for prenatal care.

(5) Develop guidelines for expediting the provision of prenatal care for eligible women and monitor the implementation of the guidelines to determine the need for further action.

(6) Expand, to the extent possible, training of state and local health providers in programs and practices pertaining to improved pregnancy outcomes.

Section 11. Section 383.215, Florida Statutes, is created to read:

383.215 Developmental intervention and parent support and training programs.—

(1) The Legislature finds that the high-risk and handicapped newborns in this state are in need of in-hospital developmental intervention and monitoring and that their families need training and support services. The Legislature further finds that there is an identifiable and increasing number of infants who need developmental intervention and family support due to the fact that increased numbers of low-birthweight and sick full-term newborns are now surviving due to the advances in neonatal intensive care medicine; increased numbers of medically involved infants are remaining inappropriately in hospitals because their parents lack the confidence or skills to care for these infants without support; and increased numbers of infants are at risk due to parent risk factors, such as substance abuse, teenage pregnancy, and other high-risk conditions.

(2) It is the intent of the Legislature to establish developmental intervention and parent support and training programs at all Level III regional perinatal intensive care centers and stepdown perinatal intensive care centers, in order that families with high-risk or handicapped infants may gain the services and skills they need to support their infant.

(3) As used in this section:

(a) "Developmental intervention" means individualized therapies and services needed to enhance both the infant's growth and development and family functioning.

(b) "Discharge planning" means the modification of the written individual and family service plan at the time of discharge from the hospital, which plan identifies for the family of a high-risk or handicapped infant a prescription of needed medical treatments or medications, specialized evaluation needs, and necessary intervention services.

(c) "Individual and family service plan" means a written plan describing the developmental status of the infant and the therapies and services needed to enhance both the infant's growth and development and family functioning.

(d) "In-hospital intervention services" means the provision of assessments; individualized therapies; monitoring and modifying the delivery of medical interventions; and enhancing the environment for the high-risk or handicapped infant in order to achieve optimum growth and development.

(e) "Interdisciplinary team" means a team that may include the physician, psychologist, educator, social worker, nursing staff, physical or occupational therapist, speech pathologist, parents, developmental intervention and parent support and training program director, case manager, and others who are involved with the in-hospital and post-hospital discharge individual and family service plan.

(f) "Parent support and training" means a range of services to families of high-risk or handicapped infants, including family counseling; financial planning; agency referral; development of parent-to-parent support groups; education concerning growth, development, and developmental intervention and objective measurable skills, including abuse avoidance skills; training of parents to advocate for their child; and bereavement counseling.

(g) "Post-hospital intervention services" means the provision of assessment, individual and family service planning, developmental intervention, counseling, parent education, and referrals which are delivered, as needed, in a home or nonhome setting by a professional or paraprofessional trained for this purpose.

(4) The developmental intervention and parent support and training programs shall be established in conjunction with the Level III regional perinatal intensive care centers. Additional programs may be established at stepdown perinatal intensive care centers based on geographic location and population. Each program shall have a program director and the necessary staff. The program director shall establish and coordinate the developmental intervention and parent support and training program. The program shall include:

(a) In-hospital intervention services, parent support and training, and individual and family service planning.

(b) Interdisciplinary team meetings on a regular basis to develop and update the individual and family service plan.

(c) Discharge planning by the interdisciplinary team.

(d) Education and training for neonatal intensive care unit staff, volunteers, and others, as needed, in order to expand the services provided to high-risk or handicapped infants and their families.

(e) Follow-up intervention services after hospital discharge, to aid the family and high-risk or handicapped infant's transition into the community. These services shall include home intervention services and nonhome-based intervention services, both contractual and voluntary.

(f) Coordination of services with community providers.

(g) Educational materials about infant care, infant growth and development, community resources, medical conditions and treatments, and family advocacy.

(5) The Department of Health and Rehabilitative Services shall:

(a) Coordinate with the Department of Education in the planning and implementing of this section.

(b) Develop, in conjunction with the developmental intervention and parent support and training program directors, an evaluation system to examine the impact of the programs. Instruments shall be developed or

adapted to effectively monitor the impacts of the program on families and infants served.

Section 12. Section 411.103, Florida Statutes, 1988 Supplement, is amended to read:

411.103 Definitions.—As used in ss. 411.101-411.108, the term:

~~(1) "Community resource mother or father" means an individual under contract with a program funded by the Department of Health and Rehabilitative Services to provide social support, parent training, assistance, and education to high-risk pregnant women and handicapped or high-risk children and their parents.~~

~~(2) "Foster grandparent" means an individual who volunteers to provide support services to high-risk and handicapped children.~~

~~(3) "Foster grandparent program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, to provide opportunities for low-income persons age 60 and older to give support services to high-risk and handicapped children.~~

(1)~~(4)~~ "Handicapped child" means a preschool child who is developmentally disabled, mentally handicapped, speech-impaired, language-impaired, deaf or hard of hearing, blind or partially sighted, physically handicapped, health-impaired, or emotionally handicapped; a preschool child who has a specific learning disability; or any other child who has been classified under rules of the State Board of Education as eligible for preschool special education services.

(2)~~(5)~~ "High-risk child" means a preschool child with one or more of the following characteristics:

(a) A victim or a sibling of a victim in an indicated report of child abuse or neglect.

(b) A graduate of a perinatal intensive care unit.

(c) A mother under 18 years of age, unless the mother received necessary comprehensive maternity care and the mother and child currently receive necessary support services.

(d) A developmental delay of one standard deviation below the mean in cognition, language, or physical development, whose family is below poverty level.

(e) A child surviving a catastrophic infectious or traumatic illness known to be associated with developmental delay.

(f) A child of a parent or guardian who is developmentally disabled, severely emotionally disturbed, drug or alcohol dependent, or incarcerated and who requires aid in meeting his child's developmental needs.

(g) A child who has no parent or guardian.

(3)~~(6)~~ "Neonate" means a child from birth to 28 days of life.

(4)~~(7)~~ "Prenatal" means the time period from pregnancy to delivery.

(5)~~(8)~~ "Preschool child" means a child from 0 to 5 years of age.

(6)~~(9)~~ "Preventive health care" means periodic physical examinations, immunizations, and assessments for hearing, vision, nutritional deficiencies, and development of language, physical growth, small and large muscle skills, and emotional behavior, as well as age-appropriate laboratory tests.

~~(10) "Retired senior volunteer" means an individual who volunteers to provide services under the retired senior volunteer program.~~

~~(11) "Retired senior volunteer program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, for the purpose of providing volunteer opportunities for anyone 60 years of age or older who wants to use his or her experience and talents in useful service to others in the community.~~

(7)~~(12)~~ "Teen parent" means a person under the age of 18 years who is pregnant, who is the father of the unborn child, or who is the parent of a child.

Section 13. Section 230.2303, Florida Statutes, is created to read:

230.2303 Florida First Start Program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that the years of a child's life between birth and the third birthday are critical for fostering intellectual ability, language competence, physical development, and social skills. The Florida First Start Program is intended as a home-school partnership designed to give handicapped children and children at risk of future school failure the best possible start in life and to support parents in their role as the children's first teachers. The purpose of the program is to assist school districts in providing early, high-quality parent education and support services that enable the parents to enhance their children's intellectual, language, physical, and social development, thus maximizing the children's overall progress during the first 3 years of life, laying the foundation for future school success, and minimizing the development of handicaps and developmental problems which interfere with learning.

(2) PROGRAM.—There is hereby created the Florida First Start Program for children from birth to 3 years of age and their parents. The program shall be administered, implemented, and conducted by school districts pursuant to a plan developed and approved as provided in this section.

(3) PLAN.—Each school board may submit to the Commissioner of Education a plan for conducting a Florida First Start Program. Each plan and subsequent amended plan shall be developed in cooperation with the district interagency coordinating council on prekindergarten education established pursuant to s. 228.0615 and the Interagency Handicapped Prekindergarten Council, and shall be approved by the commissioner. To be eligible for state funding pursuant to this section, a district school board's plan shall be designed to serve children from birth to 3 years of age who are handicapped or at risk of future school failure and to serve their parents. For the purposes of this section, "handicapped or at risk of future school failure" shall be defined as having one or more of the following characteristics:

(a) The child is a victim or a sibling of a victim in a confirmed or indicated report of child abuse or neglect.

(b) The child is a graduate of a perinatal intensive care unit.

(c) The child's mother is under 18 years of age, unless the mother received necessary comprehensive maternity care and the mother and child currently receive necessary support services.

(d) The child has a developmental delay of one standard deviation below the mean in cognition, language, or physical development.

(e) The child has survived a catastrophic infectious or traumatic illness known to be associated with developmental delay.

(f) The child has survived an accident resulting in a developmental delay.

(g) The child has a parent or guardian who is developmentally disabled, severely emotionally disturbed, drug or alcohol dependent, or incarcerated and who requires assistance in meeting the child's developmental needs.

(h) The child has no parent or guardian.

(i) The child is drug-exposed.

(j) The child's family's income is at or below 100 percent of the federal poverty level or the child's family's income level impairs the development of the child.

(k) The child is a handicapped child. For purposes of this section, handicapped child means a preschool child who is developmentally disabled, mentally handicapped, speech-impaired, language-impaired, deaf or hard of hearing, blind or partially sighted, physically handicapped, health-impaired, or emotionally handicapped; a preschool child who has a specific learning disability; or any other child who has been classified under rules of the State Board of Education as eligible for preschool special education services, with the exception of those who are classified solely as gifted.

(l) The child has been placed in residential care under the custody of the state through dependency proceedings pursuant to chapter 39.

(4) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, shall be based on current research findings regarding the growth and development of infants and young children and shall include the following program components:

(a) The establishment of parent resource centers located in neighborhood schools.

(b) Visits, at least once a month, by trained parent educators from the parent resource center, who shall inform the parents about stages of child development and suggest methods for parents to encourage children's intellectual, language, physical, and social development. Parent educators shall also offer guidance on home safety, nutrition, effective discipline, constructive play activities, and other topics.

(c) Monthly group meetings for parents with similarly aged children held at the parent resource centers.

(d) Periodic formal educational and medical screening for the children.

(e) A referral network to help parents who need special assistance, for themselves or their children, that is beyond the scope of this program.

(f) Assurances that each school parent resource center shall be staffed by an administrator or lead teacher trained in parent education and eligible for certification in the appropriate age levels pursuant to s. 231.17 and State Board of Education rules.

(g) A method for training parent educators and for recruiting parent educators from among the families in the school's attendance zone. Training for parent educators shall include, but not be limited to, child growth and development, health, safety, nutrition, identifying and reporting child abuse and neglect, developmentally appropriate activities for young children, and avoidance of income-based, race-based, and gender-based stereotyping.

(h) An inservice staff development component, including arrangements for staff access to child development associate certificate training or its equivalent, coordination with local teacher education centers established pursuant to s. 231.603, and integration with district master inservice plans required pursuant to s. 236.0811.

(i) Coordination with district prekindergarten early intervention programs and the Florida Primary Education Program.

(5) EVALUATION.—The commissioner shall conduct or contract for a longitudinal study of the effectiveness of the program. This study shall include, but not be limited to, longitudinal assessment of the children's behavior, growth and development, achievement, and success in school, and the parents' continued involvement with the education of their children. The interim results of this evaluation shall be reported annually to the Legislature on or before January 1, and a final report to the Legislature shall be due on or before January 1, 1995.

(6) MONITORING AND TECHNICAL ASSISTANCE.—The commissioner shall monitor each district program at least annually to determine compliance with the district plan and the provisions of this section. The Department of Education shall develop manuals and guidelines for the development of district plans and shall provide technical assistance to ensure that each district program maintains high standards of quality and effectiveness. The Department of Education shall identify exemplary programs in the state to serve as model Florida First Start Programs and shall disseminate information on these programs to all districts.

(7) ANNUAL REPORT.—Each district school board that implements a program under this section shall, with the assistance of the district interagency coordinating council on prekindergarten education, submit an annual report of its program to the commissioner. Such report shall describe the overall program operations, activities of the district interagency coordinating council, expenditures, the number of children served, staff training and qualifications, evaluation findings, and other information required by the commissioner.

(8) COORDINATION.—

(a) The Florida First Start Program shall be included under the jurisdiction of the Office of Early Intervention within the Department of Education. The Office of Early Intervention shall make recommendations for effective implementation of the program and shall provide recommendations on needed legislation, rules, and technical assistance to ensure the continued implementation of an effective program.

(b) To be eligible for a Florida First Start Program, each school district shall develop, implement, and evaluate its program in cooperation with the district interagency coordinating council established pursuant to s. 228.0615.

(9) FUNDING.—Funding for the Florida First Start Program shall be determined annually in the General Appropriations Act. These funds shall be distributed to each participating school district in an equitable manner based upon the official estimate of the number of children born that year in the county, the number of handicapped students enrolled in the schools of the district, and the number of district children participating in the free and reduced-price lunch program.

(10) STATE BOARD RULES.—The State Board of Education shall adopt rules to implement this section.

(11) REPEAL.—This section is repealed on July 1, 1995, and shall be reviewed by the Legislature prior to that date.

Section 14. Paragraph (f) of subsection (3) of section 42 of chapter 88-337, Laws of Florida, is amended to read:

Section 42. Task Force on the Future of the Florida Family; creation; membership; duties; advisory persons; staffing and support.—

(3) DUTIES OF THE TASK FORCE.—The duties of the task force shall include, but not be limited to, the following:

(f) Issue a final report to the President of the Senate, Speaker of the House of Representatives, and the Governor by April ~~February~~ 1, 1990, which presents the findings of the study and makes such recommendations in the form of proposed legislation and appropriations as are deemed necessary.

Section 15. Section 411.107, Florida Statutes, section 411.1071, Florida Statutes, section 411.1072, Florida Statutes, as created by chapter 88-337, Laws of Florida; and section 411.1075, Florida Statutes, are hereby repealed.

Section 16. Unless otherwise provided herein, the Department of Health and Rehabilitative Services shall adopt rules necessary for the implementation of this act.

Section 17. The sum of $1.7 million is appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services for the purpose of carrying out the provisions of sections 1-3 of this act for fiscal year 1989-1990.

Section 18. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

On motion by Senator Scott, further consideration of **CS for HB 1818** with pending amendment was deferred.

On motions by Senator Weinstock, by two-thirds vote—

HB 1781—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; revising provisions relating to the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; increasing the term of office; providing additional duties; providing that new members of district committees shall be provided with certain instruction and materials; providing additional duties of the department; saving s. 20.19(9), (10), and (11) from repeal; modifying membership terms and meeting procedures with respect to the program office advisory councils within the department; providing for dissolution of councils under specified circumstances; providing for removal of members; saving s. 20.19(8), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 693 and by two-thirds vote read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, strike everything after the enacting clause and insert:

Section 1. Statewide Human Rights Advocacy Committee.—

(1) There is created within the Department of Health and Rehabilitative Services a Statewide Human Rights Advocacy Committee. The Department of Health and Rehabilitative Services shall provide administrative support and service to the committee to the extent requested by the executive director within available resources. The Statewide Human Rights Advocacy Committee shall not be subject to control, supervision, or direction by the Department of Health and Rehabilitative Services in

the performance of its duties. The committee shall consist of 11 citizens, one from each service district of the Department of Health and Rehabilitative Services, who broadly represent the interests of the public and the clients of that department. The members shall be representative of five groups of citizens as follows: one elected public official; one provider who delivers services or programs to clients of the Department of Health and Rehabilitative Services; three nonsalaried representatives of nonprofit agencies or civic groups; three representatives of health and rehabilitative services consumer groups who are currently receiving, or have received, services from the Department of Health and Rehabilitative Services within the past 4 years, at least one of whom must be a consumer; and three residents of the state who do not represent any of the foregoing groups, two of whom represent health-related professions and one of whom represents the legal profession. In appointing the representatives of the health-related professions, the appointing authority shall give priority of consideration to a physician licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes; and, in appointing the representative of the legal profession, the appointing authority shall give priority of consideration to a member in good standing of The Florida Bar. Except for the member who is an elected public official, each member of the Statewide Human Rights Advocacy Committee must have served as a member of a district human rights advocacy committee. Persons related to each other by consanguinity or affinity within the third degree may not serve on the Statewide Human Rights Advocacy Committee at the same time.

(2) Members of the Statewide Human Rights Advocacy Committee shall be appointed to serve terms of 3 years. A member may not serve more than two consecutive terms. The limitation on the number of terms a member may serve applies without regard to whether a term was served before or after October 1, 1989.

(3) If a member of the Statewide Human Rights Advocacy Committee fails to attend two-thirds of the regular committee meetings during the course of a year, the position held by such member may be deemed vacant by the committee. The Governor shall fill the vacancy pursuant to subsection (4). If a member of the Statewide Human Rights Advocacy Committee is in violation of the provisions of this section or procedures adopted thereto, the committee may recommend to the Governor that such member be removed.

(4) The Governor shall fill each vacancy on the Statewide Human Rights Advocacy Committee from a list of nominees submitted by the statewide committee. A list of candidates shall be submitted to the statewide committee by the district human rights advocacy committee in the district from which the vacancy occurs. Priority of consideration shall be given to the appointment of an individual whose primary interest, experience, or expertise lies with a major client group of the Department of Health and Rehabilitative Services not represented on the committee at the time of the appointment. If an appointment is not made within 60 days after a vacancy occurs on the committee, the vacancy shall be filled by a majority vote of the statewide committee without further action by the Governor. No person who is employed by the Department of Health and Rehabilitative Services may be appointed to the committee.

(5)(a) Members of the Statewide Human Rights Advocacy Committee shall receive no compensation, but shall be entitled to be reimbursed for per diem and travel expenses in accordance with section 112.061, Florida Statutes.

(b) The committee shall select an executive director who shall serve at the pleasure of the committee and shall perform the duties delegated to him by the committee. The compensation of the executive director shall be established in accordance with the rules of the Select Exempt Service.

(c) The committee may apply for, receive and accept grants, gifts, donations, bequests, and other payments including money or property, real or personal, tangible or intangible, and service from any governmental or other public or private entity or person and make arrangements as to the use of same.

(d) The Statewide Human Rights Advocacy Committee shall biennially prepare a budget request that shall not be subject to change by department staff after it is approved by the committee, but the budget request shall be submitted to the Governor by the department for transmittal to the Legislature. The budget shall include a request for funds to carry out the activities of the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees.

(6) The members of the Statewide Human Rights Advocacy Committee shall elect a chairperson to a term of 1 year. A person may not serve as chairperson for more than two consecutive terms.

(7) The responsibilities of the committee include, but are not limited to:

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services.

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs or facilities operated, funded, regulated or licensed by the Department of Health and Rehabilitative Services for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. The Statewide Human Rights Advocacy Committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if such visit is conditioned upon a complaint. A complaint may be generated by the committee itself if information from the Department of Health and Rehabilitative Services or other sources indicates a situation at the program or facility that indicates possible abuse or neglect of clients. The Statewide Human Rights Advocacy Committee shall establish and follow uniform criteria for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

(c) Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the Statewide Human Rights Advocacy Committee by a district human rights advocacy committee. If a matter constitutes a threat to the life, safety, or health of clients or is multidistrict in scope, the Statewide Human Rights Advocacy Committee may exercise such powers without the necessity of a referral from a district committee.

(d) Reviewing existing programs or services and new or revised programs of the Department of Health and Rehabilitative Services and making recommendations as to how the rights of clients are affected.

(e) Submitting an annual report to the Legislature, no later than December 30 of each calendar year, concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

(f) Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor or by written request of six members of the committee.

(g) Developing and adopting uniform procedures to be used to carry out the purpose and responsibilities of the human rights advocacy committees, which procedures and shall include, but need not be limited to, the following:

1. The responsibilities of the committee;

2. The organization and operation of the statewide committee and district committees, including procedures for replacing a member, formats for maintaining records of committee activities, and criteria for determining what constitutes a conflict of interest for purposes of assigning and conducting investigations and monitoring;

3. Uniform procedures for the statewide committee and district committees to receive and investigate reports of abuse of constitutional or human rights;

4. The responsibilities and relationship of the district human rights advocacy committees to the statewide committee;

5. The relationship of the committee to the Department of Health and Rehabilitative Services, including the way in which reports of findings and recommendations related to reported abuse are given to the Department of Health and Rehabilitative Services;

6. Provision for cooperation with the State Nursing Home and Long-Term Care Facility Ombudsman Council;

7. Procedures for appeal. An appeal to the state committee is made by a district human rights advocacy committee when a valid complaint is

not resolved at the district level. The statewide committee may appeal an unresolved complaint to the Secretary of the Department of Health and Rehabilitative Services. If, after exhausting all remedies, the statewide committee is not satisfied that the complaint can be resolved within the Department of Health and Rehabilitative Services, the appeal may be referred to the Governor or the Legislature;

8. Uniform procedures for gaining access to and maintaining confidential information; and

9. Definitions of misfeasance and malfeasance for members of the statewide committee and district committees.

(h) Monitoring the performance and activities of all district committees and providing technical assistance to members and staff of district committees.

(i) Providing for the development and presentation of a standardized training program for members of district committees.

(8) For the purposes of investigation and monitoring, the Statewide Human Rights Advocacy Committee shall have the following powers:

(a) Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring may not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure. Notwithstanding the provisions of section 119.14, Florida Statutes, all information obtained or copies of records received by the committee otherwise made confidential by law or relating to the identity of any client or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119, Florida Statutes, and shall be considered and held confidential. This exemption is subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes. In all other cases, the Statewide Human Rights Advocacy Committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of Health and Rehabilitative Services or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of sections 39.411, 63.022, and 63.162, Florida Statutes. Upon completion of a general investigation of practices and procedures of the Department of Health and Rehabilitative Services, the committee shall report its findings to that department. Notwithstanding the provisions of section 119.14, Florida Statutes, all information obtained through examination of such reports otherwise made confidential by law or relating to the identity of any client or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119, Florida Statutes, and shall remain confidential. Notwithstanding the provisions of section 119.14 or section 286.0111, Florida Statutes, all matters before the committee relating to the identity of an individual client or group of clients subject to the protections of this section, or the identity of any individual providing information to the committee about abuse or alleged violation of constitutional or human rights, or testimony relating to records otherwise made confidential by law shall be exempt from the provisions of section 286.011, Florida Statutes, the open meetings law, and section 119.07(1), Florida Statutes, the open records law. All records prepared by members of the committee which reflect a mental impression, investigative strategy, or theory are exempt from section 119.07(1), Florida Statutes, until completion of the investigation. These exemptions are subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes. All other matters before the committee shall be open to the public and subject to chapter 119, Florida Statutes. Any person who knowingly and willfully discloses any such confidential information is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

(b) To receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of clients.

Section 2. District human rights advocacy committees.—

(1) At least one district human rights advocacy committee is created in each service district of the Department of Health and Rehabilitative Services. The district human rights advocacy committees shall be subject to direction from and the supervision of the Statewide Human Rights Advocacy Committee. The district administrator shall assign staff to provide administrative support to the committees, and staff assigned to these positions shall perform the functions required by the committee without interference from the department. The district committees shall direct the activities of staff assigned to them to the extent necessary for the committees to carry out their duties. The number and areas of responsibility of the district human rights advocacy committees, not to exceed three in any district, shall be determined by the majority vote of district committee members. However, district II may have four committees. District committees shall meet at facilities under their jurisdiction whenever possible.

(2) Each district human rights advocacy committee shall have no fewer than 7 members and no more than 15 members, 25 percent of whom are or have been clients of the Department of Health and Rehabilitative Services within the last 4 years, except that one member of this group may be an immediate relative or legal representative of a current or former client; two providers, who deliver services or programs to clients of the Department of Health and Rehabilitative Services; and two representatives of professional organizations, one of whom represents health-related professions and one of whom represents the legal profession. Priority of consideration shall be given to the appointment of at least one medical or osteopathic physician, as defined in chapters 458 and 459, Florida Statutes, and one member in good standing of The Florida Bar. Priority of consideration shall also be given to the appointment of an individual whose primary interest, experience, or expertise lies with a major client group of the Department of Health and Rehabilitative Services not represented on the committee at the time of the appointment. In no case shall a person who is employed by the Department of Health and Rehabilitative Services be selected as a member of a committee. At no time shall individuals who are providing contracted services to the Department of Health and Rehabilitative Services constitute more than 25 percent of the membership of a district committee. Persons related to each other by consanguinity or affinity within the third degree shall not serve on the same district human rights advocacy committee at the same time. All members of district human rights advocacy committees must successfully complete a standardized training course for committee members within 3 months after their appointment to a committee. A member may not be assigned an investigation which requires access to confidential information prior to the completion of the training course. After he completes the required training course, a member of a committee shall not be prevented from participating in any activity of that committee, including investigations and monitoring, except due to a conflict of interest as described in the procedures established by the Statewide Human Rights Advocacy Committee pursuant to subsection (7).

(3)(a) With respect to existing committees, each member shall serve a term of 4 years. Upon expiration of a term and in the case of any other vacancy, the district committee shall appoint a replacement by majority vote of the committee, subject to the approval of the Governor. A member may serve no more than two consecutive terms.

(b)1. The Governor shall appoint the first four members of any newly created committee; and those four members shall select the remaining 11 members, subject to approval of the Governor. If any of the first four members are not appointed within 60 days of a request being submitted to the Governor, those members shall be appointed by a majority vote of the district committee without further action by the Governor.

2. Members shall serve for no more than two consecutive terms of 3 years, except that at the time of initial appointment, terms shall be staggered so that the first six members appointed serve for terms of 2 years and the remaining five members serve for terms of 3 years. Vacancies shall be filled as provided in subparagraph 1.

(c) If no action is taken by the Governor to approve or disapprove a replacement of a member pursuant to this paragraph within 30 days after

the district committee has notified the Governor of the appointment, then the appointment of the replacement shall be considered approved.

(d) The limitation on the number of terms a member may serve applies without regard to whether a term was served before or after October 1, 1989.

(4) Each committee shall elect a chairperson for a term of 1 year. A person may not serve as chairperson for more than two consecutive terms. The chairperson's term expires on the anniversary of the chairperson's election.

(5) In the event that a committee member fails to attend two-thirds of the regular committee meetings during the course of a year, it shall be the responsibility of the committee to replace such member. If a district committee member is in violation of the provisions of this subsection or procedures adopted thereto, a district committee may recommend to the Governor that such member be removed.

(6) A member of a district committee shall receive no compensation but shall receive per diem and shall be entitled to be reimbursed for travel expenses as provided in section 112.061, Florida Statutes. Members may be provided reimbursement for long-distance telephone calls if such calls were necessary to an investigation of an abuse or deprivation of human rights.

(7) A district human rights advocacy committee shall first seek to resolve a complaint with the appropriate local administration, agency, or program; any matter not resolved by the district committee shall be referred to the Statewide Human Rights Advocacy Committee. A district human rights advocacy committee shall comply with appeal procedures established by the Statewide Human Rights Advocacy Committee. The duties, actions, and procedures of both new and existing district human rights advocacy committees shall conform to the provisions of this act. The duties of each district human rights advocacy committee shall include, but are not limited to:

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services.

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs or facilities operated, funded, regulated or licensed by the Department of Health and Rehabilitative Services for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. A district human rights advocacy committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if such visit is conditioned upon a complaint. A complaint may be generated by the committee itself if information from the Department of Health and Rehabilitative Services or other sources indicates a situation at the program or facility that indicates possible abuse or neglect of clients. The district human rights advocacy committees shall follow uniform criteria established by the Statewide Human Rights Advocacy Committee for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

(c) Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights.

(d) Reviewing, and making recommendation with respect to, the involvement by clients of the Department of Health and Rehabilitative Services as subjects for research projects, prior to implementation, insofar as their human rights are affected.

(e) Reviewing existing programs or services and new or revised programs of the Department of Health and Rehabilitative Services and making recommendations as to how the rights of clients are affected.

(f) Appealing to the state committee any complaint unresolved at the district level. Any matter that constitutes a threat to the life, safety, or health of a client or is multidistrict in scope shall automatically be referred to the Statewide Human Rights Advocacy Committee.

(g) Submitting an annual report by September 30 to the Statewide Human Rights Advocacy Committee concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

(h) Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor, at the call of the Statewide Human Rights Advocacy Committee, or by written request of a majority of the members of the committee.

(8) For the purposes of investigating and monitoring, a district human rights advocacy committee shall have access to all client files, reports, and records from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. Committee investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure. Notwithstanding the provisions of section 119.14 all information obtained or copies of records received by the committee otherwise made confidential by law or relating to the identity of any client or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119, Florida Statutes, and shall be considered and held confidential. This exemption is subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes. In all other cases, the human rights advocacy committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from Department of Health and Rehabilitative Services or agency facilities. Upon completion of a general investigation of practices and procedures of the Department of Health and Rehabilitative Services, the committee shall report its findings to that department. Notwithstanding the provisions of section 119.14, Florida Statutes, all information obtained through an examination of such reports otherwise made confidential by law or relating to the identity of any client of the department or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119, Florida Statutes, and shall remain confidential. Notwithstanding the provisions of section 119.14, Florida Statutes, or section 286.0111, Florida Statutes, all matters before a district human rights advocacy committee relating to the identity of an individual client or group of clients subject to the protections of this section, or the identity of any individual providing information to the committee about abuse or alleged violation of constitutional or human rights, or testimony relating to records otherwise made confidential by law shall be exempt from the provisions of section 286.011, Florida Statutes, the open meetings law, and section 119.07(1), Florida Statutes, the open records law. All records prepared by members of the committee which reflect a mental impression, investigative strategy, or theory are exempt from section 119.07(1), Florida Statutes, until completion of the investigation. These exemptions are subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes. All other matters before the committee shall be open to the public and subject to chapter 119, Florida Statutes. Any person who knowingly and willfully discloses any such confidential information is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes. This section shall not be interpreted to allow committee access to confidential adoption records in accordance with the provisions of sections 39.411, 63.022, and 63.162, Florida Statutes.

Section 3. Duties of the Department of Health and Rehabilitative Services relating to the Statewide Human Rights Advocacy Committee and the District Human Rights Advocacy Committees.—The Department of Health and Rehabilitative Services shall:

(1) Adopt rules which are consistent with law, amended to reflect any statutory changes, which rules address at least the following:

(a) Procedures by which Department of Health and Rehabilitative Services district staff refer reports of abuse to district human rights advocacy committees;

(b) Procedures by which client information is made available to members of the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; and

(c) Procedures by which recommendations made by human rights advocacy committees will be incorporated into Department of Health and Rehabilitative Services policies and procedures.

(d) Procedures by which committee members are reimbursed for authorized expenditures.

(2) The Department of Health and Rehabilitative Services shall provide for the location of district human rights advocacy committees in district headquarters offices and shall provide necessary equipment and office supplies, including, but not limited to, clerical and word processing services, photocopiers, telephone services, and stationery and other necessary supplies.

(3) The Deputy Secretary for Operations shall ensure the full cooperation and assistance of employees of the Department of Health and Rehabilitative Services with members and staff of the human rights advocacy committees. Further, the Deputy Secretary for Operations shall ensure that to the extent possible, staff assigned to the Statewide Human Rights Advocacy Committees and District Human Rights Advocacy Committees are free of interference from or control by the department in performing their duties relative to those committees.

Section 4. Subsection (9), subsection (10), and subsection (11) of section 20.19, Florida Statutes, are hereby repealed.

Section 5. Sections 1, 2, and 3 of this act are repealed October 1, 1999, and shall be reviewed prior to that date by the Legislature pursuant to section 11.611, Florida Statutes.

Section 6. There is hereby appropriated $64,000 from the General Revenue Fund to the Department of Health and Rehabilitative Services for the Statewide Human Rights Advocacy Committee to carry out the provisions of this act.

Section 7. This act shall take effect October 1, 1989.

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to advocacy; creating the Statewide Human Rights Advocacy Committee within the Department of Health and Rehabilitative Services; providing for membership and staffing of the committee; providing the duties and responsibilities of the committee; creating district human rights advocacy committees in service districts of the Department of Health and Rehabilitative Services; providing for membership and duties and responsibilities of the committees; providing the duties of the Department of Health and Rehabilitative Services relating to the Statewide Human Rights Advocacy Committee and the district human rights advocacy committees; repealing s. 20.19(9), (10), (11), F.S., relating to such committees; providing for Sundown review; providing an appropriation; providing an effective date.

On motion by Senator Weinstock, by two-thirds vote HB 1781 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Kiser	Ros-Lehtinen
Beard	Dudley	Langley	Scott
Brown	Forman	Malchon	Souto
Bruner	Gardner	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Girardeau

CS for SB 484—A bill to be entitled An act relating to water resources; amending s. 187.201, F.S.; revising the state comprehensive plan; amending s. 200.065, F.S.; providing for advertisements of millage increases; amending s. 373.016, F.S.; revising the state water policy; creating s. 373.0391, F.S.; providing for technical assistance to local governments in developing and revising comprehensive plan elements related to water resource issues; amending s. 373.046, F.S.; providing for interagency agreements; providing for notice of such agreements; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River and St. Johns River Water Management Districts; providing for the administration of water management district permits; providing for the conditional future merger of the Suwannee River and Northwest Florida Water Management Districts, contingent upon the passage of an amendment to the State Constitution; dissolving the district's governing boards upon such merger; providing for the appointment of a new governing board; providing for a cooperative study; amending s. 373.073, F.S., expanding the membership of the governing board of the Southwest Florida Water Management District; creating s. 373.0736, F.S.; providing for the expiration of terms of present members of the board and for the appointment of new members; amending s. 373.079, F.S.; providing for delegation of permitting authority to water management district executive directors; amending s. 373.103, F.S.; providing for local government enforcement of a delegated stormwater permitting or surface water management program; amending s. 373.109, F.S.; authorizing water management permit fees to include the costs of monitoring and enforcement; amending s. 373.117, F.S.; authorizing the Department of Environmental Regulation or the governing board of a water management district to require the certification of permits and permit applications by professional engineers and other specified professionals; creating s. 373.122, F.S.; providing for the inspection of certain property for permit condition compliance by water management district personnel; providing an exemption from liability; amending s. 373.129, F.S.; authorizing local governments delegated authority pursuant to s. 373.103(8), F.S., to maintain actions and deposit civil fines into a local water pollution control trust fund and use said funds for specified purposes; creating s. 373.1395, F.S.; providing a limitation on liability of water management districts making certain areas available without charge to the public for recreational purposes; abolishing the Green Swamp Basin within the Southwest Florida Water Management District; authorizing the district to establish a Green Swamp Basin Advisory Council; amending s. 373.403, F.S.; providing definitions; amending s. 373.406, F.S.; providing for exemptions or general permits for certain stormwater management systems; amending s. 373.413, F.S.; requiring permits for construction or alteration of stormwater management systems; providing for public notice of permit applications; amending s. 373.416, F.S.; requiring permits for maintenance or operation of stormwater management systems; amending s. 373.417, F.S.; authorizing water management districts or the Department of Environmental Regulation to adopt rules relating to the discharge of stormwater and stormwater facilities; requiring the establishment of requirements for the monitoring and maintenance of stormwater management systems; creating s. 373.418, F.S.; preserving existing rules; amending s. 373.419, F.S.; requiring completion or alteration reports relating to stormwater management systems; amending s. 373.423, F.S., providing for inspections of stormwater management systems; amending s. 373.426, F.S., relating to the abandonment of facilities; amending s. 373.429, F.S., relating to the revocation and modification of permits; amending s. 373.433, F.S., relating to the abatement of violations; amending s. 373.436, F.S., relating to remedial measures; amending s. 373.439, F.S., relating to emergency measures; amending s. 373.443, F.S., relating to immunity from liability for the state or water management districts; amending s. 373.451, F.S.; providing legislative intent relating to the Surface Water Improvement and Management Act; amending s. 373.453, F.S.; requiring water management districts to review and update lists of water bodies in need of protection and restoration; revising requirements for surface water improvement and management plans; requiring water management districts to submit certain funding proposals to the Department of Environmental Regulation; amending s. 373.455, F.S.; providing for the review of surface water improvement and management plans; creating s. 373.456, F.S.; providing for the approval of such plans by water management district governing boards; requiring the Department of Environmental Regulation to determine if such plans are consistent with state water policy; amending s. 373.457, F.S.; requiring the water management districts to coordinate the implementation of such plans; amending s. 373.459, F.S.; providing for the distribution of moneys in the Surface Water Improvement and Management Trust Fund upon the merger of the Suwannee River and Northwest Florida Water Management Districts; authorizing the Secretary of Environmental Regulation to allocate a specified percentage of moneys in the trust fund for certain purposes; amending s. 373.503, F.S.; increasing the millage that may be levied by the Northwest Florida Water Management District; changing millage rates within the Southwest Florida Water Management District; removing obsolete provisions; amending s. 403.031,

F.S.; providing definitions; amending s. 403.061, F.S., relating to the powers and duties of the Department of Environmental Regulation; creating s. 403.064, F.S.; providing requirements for the reuse of reclaimed water within critical water supply problem areas; repealing s. 403.1659, F.S., relating to the Florida Groundwater Protection Task Force; creating s. 403.1657, F.S.; requiring interdepartmental coordination of groundwater protection; amending s. 403.812, F.S.; providing a limited exemption from dredge and fill permitting for certain stormwater management systems; requiring the state to fully comply with all governmental stormwater management programs; repealing s. 2 of ch. 85-211, Laws of Florida, abrogating the scheduled repeal of a millage assessment within the St. Johns River Water Management District; repealing ss. 1, 2, 25 of ch. 88-242, Laws of Florida, relating to the governing board of the Southwest Florida Water Management District and the length of board members' terms of office; reviving and readopting ss. 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, F.S., relating to governing and basin boards of water management districts, notwithstanding their scheduled repeal October 1, 1989, pursuant to s. 25 of ch. 88-242, Laws of Florida, and repealing said sections and section 373.088, F.S., October 1, 1994, and providing for review of said sections in advance of that date; providing effective dates.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 12, lines 6-30 and on page 13, lines 1-12, strike all of said lines and renumber subsequent sections.

Amendment 2—On page 25, between lines 8 and 9, insert:

Section 9. (1) Any monies appropriated from the State General Revenue Fund, the Surface Water Improvement and Management Trust Fund, or the State Infrastructure Trust Fund for the Northwest Florida Water Management District shall be retained by the Department of Environmental Regulation and shall not be released to that district until such time as the constitutional millage limitation for that district is made equal with that for the other water management districts.

(2) Until such time as the constitutional millage limitation for the Northwest Florida Water Management District is made equal with that for the other water management districts, permitting programs operated by the Northwest Florida Water Management District involving consumptive use of water, management and storage of surface water, wetland permitting, or well drilling shall be issued by the Department of Environmental Regulation. The department may charge a fee for such permits.

(Renumber subsequent sections.)

Amendment 3—On page 42, strike all of lines 27-31 and insert: published *by posting in the district headquarters and each office of the district* ~~in a newspaper having general circulation within the affected area~~. In addition, ~~the governing board or department shall send~~ a copy of such notice *shall be sent* to any person who has filed a written request for notification of any pending applications affecting the particular designated area. *Such* ~~This~~ notice shall

On motion by Senator W. D. Childers, the Senate reconsidered the vote by which Amendment 2 was adopted. **Amendment 2** was withdrawn.

On motion by Senator Scott, further consideration of **CS for SB 484** as amended was deferred.

The Senate resumed consideration of—

CS for HB 1245—A bill to be entitled An act relating to social welfare reform; creating s. 216.286, F.S.; providing budget authority and release for certain revenues; amending ss. 230.645 and 240.35, F.S.; exempting students enrolled in an employment and training program from certain fees; amending s. 409.029, F.S., relating to the Florida Employment Opportunity Act; providing intent; providing definitions; requiring certain reports from the Department of Labor and Employment Security; providing budget authority and release for certain agencies participating in the Florida Employment Opportunity Act; requiring development of a strategic plan by a specified date; modifying the employment and training program for certain public assistance recipients; revising support services, to include child care, transportation, counseling, and medical care; providing additional assessment requirements; providing participation requirements; requiring certain reports from school districts and community colleges; requiring certain measures prior to imposing sanctions; providing additional evaluation data requirements; amending s. 409.185, F.S.; providing Department of Health and Rehabilitative Services access to certain automated data files; providing procedures to determine standard of need; creating s. 409.186, F.S.; requiring simplified eligibility and budgeting procedures for certain programs; amending s. 409.255, F.S.; expanding eligibility for aid to families with dependent children; providing time limits for eligibility; authorizing certain substitution for a requirement; providing for alternative payment methodology; amending s. 409.266, F.S.; extending medical assistance after earnings cause ineligibility for aid to families with dependent children; providing department access to certain automated data files; providing effective dates.

—which was considered May 30.

Senator D. Childers moved the following amendment which failed:

Amendment 1—On page 6, line 23, insert:

12. School officials shall be considered agents of the department for purposes of tracking and reporting attendance and for sharing information on the status of students in receipt of AFDC. If a teenage parent or other teenage recipient drops out of school or has three or more unexcused absences in a calendar month, the local education agency shall notify the department according to procedures developed by the department and the Department of Education. Teenage parents or other teenage recipients who fail to comply with this requirement shall be sanctioned in accordance with subsection (13). The department may establish criteria under which AFDC recipients described in this paragraph who are under 18 years of age may be exempted from the educational requirement and required to participate in other appropriate activities allowed for in federal regulations.

On motion by Senator Weinstock, CS for HB 1245 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 993—A bill to be entitled An act relating to drug testing; creating s. 112.0455, F.S.; creating the Drug-Free Workplace Act; providing legislative purpose; providing legislative findings; providing that there is no legal duty to test; providing definitions; providing for notice to employees; providing for types of testing; providing procedures and employee protection; providing for confirmation testing; providing for employer's protections; providing for confidentiality; providing for drug testing standards and laboratories; providing for rules; providing for discipline remedies; providing for non-discipline remedies; providing compliance with federal programs; providing an effective date.

—was read the second time by title.

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 1—On page 12, line 17, and on page 16, line 20, after "result" insert: when illicit drugs, pursuant to s. 893.13, are confirmed

Amendment 2—On page 13, line 17, after "action" insert: when the presence of illicit drugs, pursuant to s. 893.13, are confirmed

Amendment 3—On page 21, line 21, after "An" insert: executive branch

On motion by Senator Ros-Lehtinen, by two-thirds vote CS for SB 993 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Grant	Meek	Walker
Casas	Grizzle	Myers	Weinstein
Childers, D.	Jennings	Plummer	Weinstock
Davis	Johnson	Ros-Lehtinen	Woodson-Howard
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crenshaw, Kirkpatrick, Peterson

Yea to Nay—Davis

On motion by Senator Beard, by two-thirds vote HB 409 was withdrawn from the Committee on Transportation.

On motion by Senator Beard—

HB 409—A bill to be entitled An act relating to motor vehicle and mobile home registration records; amending s. 320.025, F.S.; continuing and expanding the public records law exemption for motor vehicle registrations and license plates issued under fictitious names to law enforcement agencies and public defenders' offices; providing for future review and repeal; amending s. 320.05, F.S.; continuing the restriction on access to motor vehicle registration records to persons furnishing positive proof of identification, but eliminating that restriction with respect to mobile home registration records; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 106 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 409 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Langley	Scott
Beard	Forman	Malchon	Souto
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crenshaw, Kirkpatrick

CS for SB 215—A bill to be entitled An act relating to land surveying; amending s. 472.003, F.S.; providing an exemption; amending s. 472.011, F.S.; expanding rulemaking authority relating to fees; providing a schedule of fees; amending s. 472.021, F.S.; deleting the requirement that persons seeking to practice land surveying under a corporation obtain approval from the Department of Professional Regulation; authorizing the Board of Professional Land Surveyors to impose a fee assessment on registered land surveyors; creating a committee to make recommendations with respect to specified aspects of chs. 471, 472, 489, F.S.; repealing s. 472.003(3), F.S.; relating to certain exemptions from licensure as a land surveyor; reviving and readopting provisions of ch. 472, F.S., not withstanding repeals scheduled under the Regulatory Sunset Act and providing for future legislative review and repeal of such provisions; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 16-31 and renumber subsequent sections.

Amendment 2—In title, on page 1, strike all of lines 10-12 and insert: Professional Regulation;

On motion by Senator Jennings, by two-thirds vote CS for SB 215 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 216—A bill to be entitled An act relating to psychological services; amending s. 455.26, F.S.; modifying the composition of the Impaired Practitioners Committee; amending s. 490.003, F.S.; redefining the terms "psychologist" and "school psychologist" and defining the terms "practice of psychology" and "practice of school psychology"; amending s. 490.005, F.S.; revising requirements for licensure by examination; prescribing fees; amending s. 490.006, F.S.; revising requirements for licensure by endorsement; amending s. 490.008, F.S.; providing procedures for placement of licensees in voluntary or involuntary inactive status; amending s. 490.009, F.S.; prescribing procedures in certain disciplinary proceedings; creating s. 490.0095, F.S.; providing for treatment programs for impaired practitioners; amending s. 490.012, F.S.; modifying violations for using specified words; providing a penalty; amending s. 490.014, F.S., relating to exemptions; amending s. 491.003, F.S.; defining the terms "practice of clinical social work," "practice of marriage and family therapy," and "practice of mental health counseling"; amending s. 232.02, F.S.; correcting a cross-reference; saving chapter 490, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for SB 216 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

CS for SB 232—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 427.011, F.S., providing definitions; amending s. 427.012, F.S.; changing the name of the Coordinating Council on the Transportation Disadvantaged to the Transportation Disadvantaged Commission; revising the composition of the commission; providing for election of the chairperson and vice-chairperson; providing for removal of members for cause; authorizing the commission to employ staff; assigning the commission to the office of the Secretary of the Department of Transportation for administrative purposes only; providing for development and submittal of a budget; amending s. 427.013, F.S.; revising the purpose and increasing the responsibilities of the commission; creating s. 427.0135, F.S.; prescribing the responsibilities of member departments in carrying out the policies and

procedures of the commission; amending s. 427.015, F.S.; revising the powers and duties of metropolitan planning organizations and designated official planning agencies in coordinating transportation for the transportation disadvantaged; creating s. 427.0155, F.S.; prescribing the powers and duties of community transportation coordinators; creating s. 427.0157, F.S.; providing for the establishment of coordinating boards; prescribing the purposes and responsibilities of such boards; creating s. 427.0158, F.S.; providing for the use of school buses and public transit service for the transportation of the transportation disadvantaged; creating s. 427.0159, F.S.; establishing the Transportation Disadvantaged Trust Fund in the State Treasury; prescribing the uses of funds deposited in the trust fund; amending s. 427.016, F.S.; providing for the expenditure of local government, state, and federal funds to purchase transportation services for the transportation disadvantaged; amending s. 320.03, F.S.; assessing an additional fee on certain motor vehicle registrations; requiring that such fees be deposited in the Transportation Disadvantaged Trust Fund; amending s. 320.10, F.S.; exempting from the payment of license taxes certain motor vehicles used exclusively to transport transportation disadvantaged persons; repealing s. 427.014, F.S.; relating to duties of the Department of Transportation; repealing s. 427.018, F.S., which provides for the expiration of ss. 427.011-427.018, F.S., on October 1, 1989; providing for the future repeal of ss. 427.011-427.018, F.S., and s. 320.03(9), F.S., relating to transportation services for the transportation disadvantaged; providing for legislative review in advance of said repeal; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB 232 to conform the bill to CS for HB 1730.

On motions by Senator Beard, by two-thirds vote—

CS for HB 1730—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 427.011, F.S., providing definitions; amending s. 427.012, F.S.; changing the name of the Coordinating Council on the Transportation Disadvantaged to the Transportation Disadvantaged Commission; revising the composition of the commission; providing for election of the chairperson and vice-chairperson; providing for removal of members for cause; authorizing the commission to employ staff; assigning the commission to the office of the Secretary of the Department of Transportation for administrative purposes only; providing for development and submittal of a budget; amending s. 427.013, F.S.; revising the purpose and increasing the responsibilities of the commission; creating s. 427.0135, F.S.; prescribing the responsibilities of member departments in carrying out the policies and procedures of the commission; amending s. 427.015, F.S.; revising the powers and duties of metropolitan planning organizations and designated official planning agencies in coordinating transportation for the transportation disadvantaged; creating s. 427.0155, F.S.; prescribing the powers and duties of community transportation coordinators; creating s. 427.0157, F.S.; providing for the establishment of coordinating boards; prescribing the purposes and responsibilities of such boards; creating s. 427.0158, F.S.; providing for the use of school buses and public transit service for the transportation of the transportation disadvantaged; creating s. 427.0159, F.S.; establishing the Transportation Disadvantaged Trust Fund in the State Treasury; prescribing the uses of funds deposited in the trust fund; amending s. 427.016, F.S.; providing for the expenditure of local government, state, and federal funds to purchase transportation services for the transportation disadvantaged; amending s. 320.03, F.S.; assessing an additional fee on certain motor vehicle registrations; requiring that such fees be deposited in the Transportation Disadvantaged Trust Fund; amending s. 320.10, F.S.; exempting from the payment of license taxes certain motor vehicles used exclusively to transport transportation disadvantaged persons; exempting from the payment of license taxes certain motor vehicles used by the urban league for transporting persons in need of such service; repealing s. 427.014, F.S.; relating to duties of the Department of Transportation; repealing s. 427.018, F.S., which provides for the expiration of ss. 427.011-427.018, F.S., on October 1, 1989; providing for the future repeal of ss. 427.011-427.018, F.S., relating to transportation services for the transportation disadvantaged; providing for legislative review in advance of said repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 232 and by two-thirds vote read the second time by title. On motion by Senator Beard, by two-thirds vote CS for HB 1730 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Malchon	Souto
Beard	Forman	Margolis	Stuart
Brown	Gordon	McPherson	Thomas
Bruner	Grant	Meek	Thurman
Casas	Grizzle	Myers	Walker
Childers, W. D.	Jennings	Peterson	Weinstein
Crenshaw	Johnson	Plummer	Weinstock
Davis	Kiser	Ros-Lehtinen	Woodson-Howard
Deratany	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick

On motion by Senator Kiser, by two-thirds vote HB 818 was withdrawn from the Committee on Appropriations.

On motion by Senator Kiser—

HB 818—A bill to be entitled An act relating to public records; amending ss. 265.26 and 265.289, F.S., which provide exemptions from public records requirements for certain information contained in the annual audit reports of Ringling Museum of Art direct-support organizations and state theater contract organizations; saving such exemptions from repeal; removing the exemptions for certain other information; providing for future review and repeal; amending s. 265.605, F.S., which provides an exemption from public records requirements for certain donor information relating to the Fine Arts Endowment Trust Fund and to local organizations' matching funds; saving such exemption from repeal; providing for future review and repeal; amending ss. 266.08 and 266.109, F.S., relating to the St. Augustine and Pensacola historic preservation board direct-support organizations, which provide exemptions from public records requirements for certain information contained in the annual audit reports of the organizations; saving such exemptions from repeal; removing the exemption for certain other information; providing an exemption from public records requirements for certain materials placed in the keeping of such organizations; providing for future review and repeal; amending s. 267.17, F.S., which provides an exemption from public records requirements for certain information contained in the annual audit reports of citizen support organizations of the Division of Historical Resources; saving such exemption from repeal; providing for future review and repeal; repealing s. 119.07(3)(s), F.S., which provides for the confidentiality of donors to the Fine Arts Endowment Trust Fund; providing an effective date.

—a companion measure, was substituted for SB 278 and read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 818 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Langley	Stuart
Beard	Dudley	Malchon	Thomas
Brown	Forman	McPherson	Thurman
Bruner	Gardner	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Ros-Lehtinen	Woodson-Howard
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—1

Plummer

HB 293—A bill to be entitled An act relating to government property; amending s. 281.301, F.S., which provides an exemption from public records and meetings requirements for security systems for property owned or leased by the state or its subdivisions; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 293 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Gordon	Meek	Thurman
Childers, D.	Grant	Myers	Walker
Childers, W. D.	Grizzle	Peterson	Weinstein
Crenshaw	Jennings	Plummer	Weinstock
Davis	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **HB 1643** was deferred.

HB 1734—A bill to be entitled An act relating to pollution response action construction contracts; amending s. 287.0595, F.S., which provides for the promulgation of rules relating to award and payment of such contracts by the Department of Environmental Regulation; removing the limitation of such provisions to construction contracts; exempting certain contracts from such provisions; saving the exemption from public records requirements for bids submitted thereunder from repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Plummer moved the following amendment:

Amendment 1—On page 1, line 16, insert:

Section 1. Subsection (21) is added to section 287.057, Florida Statutes, 1988 Supplement, to read:

287.057 Procurement of contractual services.—

(21) An agency may contract for services with any independent, nonprofit college or university which is located within the state and is accredited by the Southern Association of Colleges and Schools, on the same basis as it may contract with any institution in the State University System.

(Renumber subsequent sections.)

Further consideration of **HB 1734** with pending **Amendment 1** was deferred.

On motion by Senator Forman, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 185 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 185—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.091, F.S.; providing for safety standards for the operation of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates; providing legislative intent; providing definitions; providing for permits and certificates to operate; providing inspection requirements and procedures; prescribing the responsibility of the Department of Agriculture and Consumer Services for the inspection of amusement devices; providing for permit fees; deleting reference to a designee of the department; directing the department to impound amusement devices and amusement attractions under certain circumstances; providing for standards and test requirements for the operation of an amusement device or an amusement attraction; requiring the manager of an amusement device or an amusement attraction to report to the department accidents relating to its operation; amending s. 546.006, F.S.; repealing an exemption of permanent site attractions and rides from insurance coverage and bond requirements; repealing an exemption from the requirement of insurance or bond with respect to certain amusement rides and amusement attractions; amending s. 570.46, F.S.; requiring the Division of Standards of the department to administer the provisions of ch. 616, F.S., relating to public fairs and expositions; transferring the Bureau of Fairs and Expositions of the Division of Administration of the Department of Agriculture and Consumer Services to the Division of Standards of the department; providing an effective date.

The President presiding

Amendment 1—On page 3, line 17, after the period (.) strike "with the exception of subparagraphs (2)(d)2. and (2)(e)2.," and insert: with the exception of subparagraph (2)(e)2.,

On motion by Senator Forman, the Senate concurred in the House amendment.

CS for CS for SB 185 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Jennings	Plummer	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 241 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 241—A bill to be entitled An act relating to hunter safety; creating s. 372.5717, F.S.; prohibiting certain persons from hunting without having successfully completed a hunter safety course and without having a certification card; directing the Game and Fresh Water Fish Commission to institute and coordinate a statewide hunter safety course; providing for certification cards; providing exceptions; providing a penalty; providing an effective date.

Amendment 1—On page 1, line 29, after the word "shall" insert: be offered in every county and

Amendment 2—On page 2, line 20, insert:

(6) On or after June 1, 1991, all persons subject to the requirements of subsection (1) shall have in their personal possession, proof of compliance with this section, while taking or attempting to take wildlife with the use of a firearm. Such persons shall display a valid hunter safety certification card to county tax collectors or their subagents in order to purchase a Florida hunting license. After the issuance of such license, the license itself shall serve as proof of compliance herewith. In the case of individuals exempted from purchasing a hunting license but born on or after June 1, 1975, the possession of the hunter safety certification card while hunting will be required as proof of meeting the requirements of this section.

(Renumber subsequent subsections.)

Amendment 3—On page 2, line 6, strike everything after the word "course." through line 10 and insert: *The*

Senator Peterson moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, in the instructions of the amendment, strike "line 29" and insert: line 31

On motion by Senator Peterson, the Senate concurred in House amendment 1 as amended; and in House Amendments 2 and 3; and the House was requested to concur in the Senate amendment to the House amendment.

SB 241 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Johnson	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Meek	Thurman
Casas	Girardeau	Myers	Walker
Childers, D.	Gordon	Peterson	Weinstein
Childers, W. D.	Grant	Plummer	Weinstock
Crenshaw	Grizzle	Ros-Lehtinen	Woodson-Howard
Davis	Jennings	Scott	

Nays—2

Bruner	Langley

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 988 was withdrawn from the Committee on Judiciary-Civil; SB 716 and CS for CS for SB's 518 and 572 were withdrawn from the Committee on Health and Rehabilitative Services; CS for HB 530 was withdrawn from the Committee on Natural Resources and Conservation.

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until 7:00 p.m.

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1734—A bill to be entitled An act relating to pollution response action construction contracts; amending s. 287.0595, F.S., which provides for the promulgation of rules relating to award and payment of such contracts by the Department of Environmental Regulation; removing the limitation of such provisions to construction contracts; exempting certain contracts from such provisions; saving the exemption from public records requirements for bids submitted thereunder from repeal; providing for future review and repeal; providing an effective date.

—with pending **Amendment 1** which was adopted.

Senator Plummer moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to procurement of contractual services by state agencies; amending s. 287.057, F.S.; authorizing state agencies to enter contracts for services with certain educational institutions; amending s. 287.0595,

On motion by Senator Kiser, by two-thirds vote HB 1734 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deratany	Kiser	Stuart
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gardner	Margolis	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard
Crenshaw	Grizzle	Ros-Lehtinen	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Langley, by two-thirds vote CS for CS for HB's 1195, 1081, 1139 and 1217 was withdrawn from the Committees on Economic, Professional and Utility Regulation; Judiciary-Criminal; and Appropriations.

On motions by Senator Langley—

CS for CS for HB's 1195, 1081, 1139 and 1217—A bill to be entitled An act relating to solicitation of funds; repealing chapter 496, F.S., consisting of the Solicitation of Charitable Contributions Act and the Law Enforcement and Emergency Service Solicitation of Contributions Act; creating ss. 496.001-496.011, F.S., the Solicitation of Funds Act; providing intent and application of the act; providing definitions; requiring persons soliciting contributions to disclose certain information upon request to prospective donors; providing penalties; prohibiting certain acts in connection with solicitation of funds; providing requirements with respect to funds solicited; requiring that all contributions solicited for named individuals be deposited in a trust account or depository established in accordance with s. 69.031, F.S., and providing for disbursements therefrom; providing jurisdiction of the circuit courts; providing penalties; specifying that more stringent provisions may be adopted by local governments; providing for investigations by the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing for issuance of subpoenas; providing for injunctive and other relief; providing for assessment of costs; providing for civil remedies and enforcement by the Department of Legal Affairs; providing for a public information campaign; repealing s. 933.14(6), F.S., which prohibits persons registered under the Law Enforcement and Emergency Service Solicitation of Contributions Act from operating a private criminal justice training school; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for CS for SB's 601, 1015 and 1095 and read the second time by title.

Senator Stuart moved the following amendment which failed:

Amendment 1—On page 6, line 5; on page 8, lines 17 and 18; and on page 8, line 26, strike *"felony of the third degree"* and insert: *misdemeanor of the first degree*

On motion by Senator Langley, by two-thirds vote CS for CS for HB's 1195, 1081, 1139 and 1217 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 508—A bill to be entitled An act relating to state employment; amending s. 110.221, F.S.; prohibiting the state from terminating the employment of a career service employee because of the pregnancy of the employee's spouse; providing for parental leave for certain state employees; prohibiting the state from denying certain employees the use and payment for specified leave for specified reasons; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 1, lines 26, 28 and 29, strike *", subject to the approval of the agency head"*

On motion by Senator Davis, by two-thirds vote CS for SB 508 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Davis	Johnson	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	McPherson	Weinstock
Childers, D.	Grant	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 1643—A bill to be entitled An act relating to saltwater products dealers; amending s. 370.07, F.S.; replacing references to "division" with references to the Department of Natural Resources in provisions relating to enforcement of requirements applicable to transportation of saltwater products, issuance of wholesale dealers' licenses, license revocation, and required dealers' records; providing for denial or suspension of licenses; providing for imposition of penalties pursuant to s. 370.021, F.S.; saving the exemption from public records requirements for wholesale dealers' reports on sale of saltwater products from repeal; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1643 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Jennings	Peterson
Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 711—A bill to be entitled An act relating to education; providing for an outreach program to secure parental involvement in efforts to prevent students from dropping out of school; providing legislative findings and intent; requiring each public school which is designated a Chapter I school to establish an outreach program; requiring the program to conform to goals set forth in federal legislation; providing requirements for home visits; allowing a school district to contract for the conduct of the outreach program; requiring each participating school to submit an annual report to the Department of Education; requiring the department to submit an annual report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Woodson-Howard moved the following amendments which were adopted:

Amendment 1—On page 3, line 6, strike "1989-1990" and insert: 1990-1991

Amendment 2—On page 4, line 21, strike "1990" and insert: 1991

On motion by Senator Woodson-Howard, by two-thirds vote SB 711 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.
Crenshaw	Grant	McPherson	Stuart
Davis	Grizzle	Meek	Thomas
Deratany	Johnson	Myers	Thurman
Forman	Kiser	Peterson	Walker
Gardner	Langley	Ros-Lehtinen	Weinstock
Girardeau	Malchon	Scott	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Gardner, by two-thirds vote HB 1211 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Gardner—

HB 1211—A bill to be entitled An act relating to education; amending s. 230.22, F.S.; recognizing the need for informed school board members and participation in professional development; encouraging the Department of Education in cooperation with the Florida School Boards Association to develop a state plan for the professional development of school board members; providing for submission of the plan; providing an effective date.

—a companion measure, was substituted for SB 1450 and read the second time by title. On motion by Senator Gardner, by two-thirds vote HB 1211 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Gardner	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Grant	Myers	Weinstock
Casas	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Jennings	Ros-Lehtinen	
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Weinstein

On motions by Senator Crenshaw, by two-thirds vote HB 49 was withdrawn from the Committees on Community Affairs and Appropriations.

On motion by Senator Crenshaw—

HB 49—A bill to be entitled An act relating to compensation of county officials; amending s. 145.071, F.S.; increasing the salaries of the sheriffs; providing an effective date.

—a companion measure, was substituted for SB 135 and read the second time by title.

On motion by Senator Crenshaw, by two-thirds vote HB 49 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Jennings	Scott
Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	McPherson	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Peterson	Woodson-Howard
Crenshaw	Grizzle	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

CS for SB 484—A bill to be entitled An act relating to water resources; amending s. 187.201, F.S.; revising the state comprehensive plan; amending s. 200.065, F.S.; providing for advertisements of millage increases; amending s. 373.016, F.S.; revising the state water policy; creating s. 373.0391, F.S.; providing for technical assistance to local governments in developing and revising comprehensive plan elements related to water resource issues; amending s. 373.046, F.S.; providing for interagency agreements; providing for notice of such agreements; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River and St. Johns River Water Management Districts; providing for the administration of water management district permits; providing for the conditional future merger of the Suwannee River and Northwest Florida Water Management Districts, contingent upon the passage of an amendment to the State Constitution; dissolving the district's governing boards upon such merger; providing for the appointment of a new governing board; providing for a cooperative study; amending s. 373.073, F.S., expanding the membership of the governing board of the Southwest Florida Water Management District; creating s. 373.0736, F.S.; providing for the expiration of terms of present members of the board and for the appointment of new members; amending s. 373.079, F.S.; providing for delegation of permitting authority to water management district executive directors; amending s. 373.103, F.S.; providing for local government enforcement of a delegated stormwater permitting or surface water management program; amending s. 373.109, F.S.; authorizing water management permit fees to include the costs of monitoring and enforcement; amending s. 373.117, F.S.; authorizing the Department of Environmental Regulation or the governing board of a water management district to require the certification of permits and permit applications by professional engineers and other specified professionals; creating s. 373.122, F.S.; providing for the inspection of certain property for permit condition compliance by water management district personnel; providing an exemption from liability; amending s. 373.129, F.S.; authorizing local governments delegated authority pursuant to s. 373.103(8), F.S., to maintain actions and deposit civil fines into a local water pollution control trust fund and use said funds for specified purposes; creating s. 373.1395, F.S.; providing a limitation on liability of water management districts making certain areas available without charge to the public for recreational purposes; abolishing the Green Swamp Basin within the Southwest Florida Water Management District; authorizing the district to establish a Green Swamp Basin Advisory Council; amending s. 373.403, F.S.; providing definitions; amending s. 373.406, F.S.; providing for exemptions or general permits for certain stormwater management systems; amending s. 373.413, F.S.; requiring permits for construction or alteration of stormwater management systems; providing for public notice of permit applications; amending s. 373.416, F.S.; requiring permits for maintenance or operation of stormwater management systems; amending s. 373.417, F.S.; authorizing water management districts or the Department of Environmental Regulation to adopt rules relating to the discharge of stormwater and stormwater facilities; requiring the establishment of requirements for the monitoring and maintenance of stormwater management systems; creating s. 373.418, F.S.; preserving existing rules; amending s. 373.419, F.S.; requiring completion or alteration reports relating to stormwater management systems; amending s. 373.423, F.S., providing for inspections of stormwater management systems; amending s. 373.426, F.S., relating to the abandonment of facilities; amending s. 373.429, F.S., relating to the revocation and modification of permits; amending s. 373.433, F.S., relating to the abatement of violations; amending s. 373.436, F.S., relating to remedial measures; amending s. 373.439, F.S., relating to emergency measures; amending s. 373.443, F.S., relating to immunity from liability for the state or water management districts; amending s. 373.451, F.S.; providing legislative intent relating to the Surface Water Improvement and Management Act; amending s. 373.453, F.S.; requiring water management districts to review and update lists of water bodies in need of protection and restoration; revising requirements for surface water improvement and management plans; requiring water management districts to submit certain funding proposals to the Department of Environmental Regulation; amending s. 373.455, F.S.; providing for the review of surface water improvement and management plans; creating s. 373.456, F.S.; providing for the approval of such plans by water management district governing boards; requiring the Department of Environmental Regulation to determine if such plans are consistent with state water policy; amending s. 373.457, F.S.; requiring the water management districts to coordinate the implementation of such plans; amending s. 373.459, F.S.; providing for the distribution of moneys in the Surface Water Improvement and Management Trust Fund upon the merger of the Suwannee River and Northwest Florida Water Management Districts; authorizing the Secretary of Environmental Regulation to allocate a specified percentage of moneys in the trust fund for certain purposes; amending s. 373.503, F.S.; increasing the millage that may be levied by the Northwest Florida Water Management District; changing millage rates within the Southwest Florida Water Management District; removing obsolete provisions; amending s. 403.031, F.S.; providing definitions; amending s. 403.061, F.S., relating to the powers and duties of the Department of Environmental Regulation; creating s. 403.064, F.S.; providing requirements for the reuse of reclaimed water within critical water supply problem areas; repealing s. 403.1659, F.S., relating to the Florida Groundwater Protection Task Force; creating s. 403.1657, F.S.; requiring interdepartmental coordination of groundwater protection; amending s. 403.812, F.S.; providing a limited exemption from dredge and fill permitting for certain stormwater management systems; requiring the state to fully comply with all governmental stormwater management programs; repealing s. 2 of ch. 85-211, Laws of Florida, abrogating the scheduled repeal of a millage assessment within the St. Johns River Water Management District; repealing ss. 1, 2, 25 of ch. 88-242, Laws of Florida, relating to the governing board of the Southwest Florida Water Management District and the length of board members' terms of office; reviving and readopting ss. 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, F.S., relating to governing and basin boards of water management districts, notwithstanding their scheduled repeal October 1, 1989, pursuant to s. 25 of ch. 88-242, Laws of Florida, and repealing said sections and section 373.088, F.S., October 1, 1994, and providing for review of said sections in advance of that date; providing effective dates.

—as amended.

Senator McPherson moved the following amendments which were adopted:

Amendment 4—On page 6, line 14, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions of chapter 88-242, Laws of Florida, or of any other law which provides for review and repeal in accordance with section 11.611, Florida Statutes, and except as otherwise specifically provided herein, sections 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, Florida Statutes, shall not stand repealed on October 1, 1989, and shall continue in full force and effect as amended herein.

Section 2. Sections 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.088, 373.089, 373.093, 373.096, 373.099, and 373.103, Florida Statutes, are repealed October 1, 1990, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 3. This act shall take effect July 1, 1989.

Amendment 5—On pages 1-6, strike the title and insert: An act relating to water resources; reviving and readopting ss. 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, F.S.; relating to governing and basin boards of water management districts, notwithstanding their scheduled repeal October 1, 1989, pursuant to s. 25 of ch. 88-242, Laws of Florida, and repealing said sections and s. 373.088, F.S., October 1, 1990, and providing for review of said sections in advance of that date; providing an effective date.

On motion by Senator McPherson, by two-thirds vote CS for SB 484 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—D. Childers, Kirkpatrick

On motions by Senator Stuart, by two-thirds vote CS for HB 1112 was withdrawn from the Committees on Judiciary-Criminal and Judiciary-Civil.

On motions by Senator Stuart, by two-thirds vote—

CS for HB 1112—A bill to be entitled An act relating to criminal penalties; creating s. 775.085, F.S.; providing for reclassification of penalties when a felony or misdemeanor evidencing prejudice is committed; providing criminal penalties; providing for civil remedies and injunctive relief; providing an effective date.

—a companion measure, was substituted for SB 1210 and by two-thirds vote read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 1112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Weinstein

On motion by Senator Stuart, by unanimous consent CS for SB 1211 was taken up out of order.

On motions by Senator Stuart, by two-thirds vote CS for HB 1111 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motions by Senator Stuart, by two-thirds vote—

CS for HB 1111—A bill to be entitled An act relating to crime information; creating the Hate Crimes Reporting Act; requiring the acquisition and publication of data with respect to certain crimes; providing a limitation on the use and content of such data; requiring the Attorney General to publish an annual summary; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 1211 and by two-thirds vote read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 1111 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Gordon	McPherson	Thurman
Bruner	Grant	Meek	Walker
Casas	Grizzle	Myers	Weinstock
Childers, D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Girardeau, Kirkpatrick, Weinstein

CS for CS for SB's 481 and 314—A bill to be entitled An act relating to coastal and marine resources; providing legislative intent; amending s. 206.9935, F.S.; increasing the cap on the Coastal Protection Trust Fund and providing for halting the tax or imposing the tax at prescribed levels in the balance in the fund; amending s. 376.11, F.S.; deleting requirements for the Coastal Protection Trust Fund to be used for spoil disposal sites; prescribing purposes of the fund; providing requirements for use of interest earned on the trust fund; amending s. 253.61, F.S.; specifying additional lands not subject to lease; amending ss. 377.24, 377.242, F.S.; prohibiting permits for drilling and associated construction for exploration or production of oil, gas, or other petroleum products in a specified area; amending s. 380.19, F.S.; clarifying a reference to the Department of Environmental Regulation; authorizing the department to create an interagency management committee to advise and assist in coastal zone protection and management; amending s. 380.0558, F.S.; providing that damages recovered for injury to coral reefs that otherwise would be deposited into the Internal Improvement Trust Fund be deposited into the Florida Area of Critical State Concern Restoration Trust Fund; amending s. 253.04, F.S.; authorizing the Department of Natural Resources to develop by rule a schedule for assessing civil penalties for damage to coral reefs and providing for additional penalties; amending s. 161.053, F.S.; extending the deadline for the reestablishment of coastal construction control lines; amending s. 403.413, F.S.; prohibiting dumping litter in canals; providing penalties; creating s. 403.4135, F.S.; requiring ports, terminal facilities, boatyards, marinas, and other similar commercial facilities to provide litter receptacles; providing for enforcement of violations; providing effective dates.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 17, strike all of lines 15 and 16 and insert:

Section 13. Section 229.8055, Florida Statutes, is amended to read:

229.8055 Environmental education.—

(1) This section shall be known and may be cited as the "Florida Environmental Education Act."

(2) The Legislature recognizes that this state is ~~projected to be~~ the fourth *most populous* ~~largest~~ state in the nation ~~by 1990,~~ and will continue to be a growth state into the 21st century, and that the quality of life for future Floridians cannot *be maintained or improved* ~~continue to grow~~ unless the state is able to ~~ecologically~~ sustain such growth. The Legislature further recognizes that the education of *the people in this state* ~~Florida's children and youth~~ is critical to maintaining the delicate relationships among all forms of life and their environments. It is the intent of the Legislature that the public schools, *community colleges, and state universities* ~~of this state~~ serve as *a* ~~the~~ primary delivery system to create a continuing awareness of the essential mission ~~of mankind~~ to preserve the earth's capability to sustain life in the most healthful, enjoyable, and productive environment possible. It is the further intent that the public schools, *community colleges, and state universities* ~~of this state~~ integrate environmental education throughout the *educational system* ~~curriculum~~ so that the desired awareness is thorough, continuous, and meaningful.

(3) To achieve this intent, the Commissioner of Education shall foster the development and dissemination of educational activities and materials which will assist Florida public school students, teachers, and administrators in the perception, appreciation, and understanding of ~~environmental and~~ ecological principles and *environmental* problems; in the identification and evaluation of ~~possible~~ alternative solutions to these problems; and in the assessment of their benefits and risks.

(4) There is hereby created an environmental education program. Responsibility for the administration of the environmental education program shall rest with the Commissioner of Education, ~~and~~ the school districts, *the Board of Regents, and the State Board of Community Colleges.* In developing the environmental education program, the commissioner shall have the power of:

(a) Coordinating the efforts of the various disciplines within the educational system and coordinating the activities of the various divisions of the Department of Education ~~that are concerned with environmental education~~.

(b) Assembling, developing, and distributing model instructional materials for use in environmental education, with special concern being given to the ~~ecology of mankind and the~~ ecological system of this state *and the ways human beings depend upon and interact with the system.*

(c) Developing model programs for inservice and preservice teacher training in environmental education.

(d) Coordinating and soliciting the efforts of private organizations and other governmental agencies that are concerned with *conserving* ~~preserving~~ Florida's *environment* ~~ecology~~.

(e) Integrating environmental education into the general curriculum of public school grades.

(5) ~~Beginning July 1, 1987,~~ The Department of Education shall:

(a) Assign appropriate staff to work directly with general curriculum development activities through district and school administrators responsible for general curriculum in order to explicitly integrate appropriate *environmental* ~~ecological~~ topics into the regular curriculum, where appropriate, through curriculum frameworks and performance standards as required by s. 233.011(3)(a) and (b).

(b) Provide consultation to districts concerning the inclusion of instructional components addressing environmental education in district master inservice plans and teacher education programs.

(c) Include ~~academic~~ environmental education ~~and academic ecological topics~~ in the summer camp programs for students authorized by s. 228.087 and the General Appropriations Act, as a part of the science *or computer* component.

(d) Include components which address the teaching of environmental education in summer inservice institutes for teachers, *develop model components for district inservice training and staff development programs in environmental education, and assist districts to provide such training* ~~in programs offered in 1988 through 1990~~.

(e) Collect, analyze, evaluate, and disseminate to school districts information about environmental curriculum materials, validated projects, and other successful programs, *including programs for adults.*

(f) Include adequate assessment items in the assessment instruments required by s. 232.2454(1) under the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984 related to *environmental* ~~ecological~~ topics addressed by required curriculum frameworks and student performance standards so as to be able to assess the extent to which students exiting middle grades have developed an *understanding of the importance of a healthy environment* ~~awareness of the importance of ecological balance~~ to the future of this state and its citizens. The results of this assessment shall be reported annually to the State Board of Education.

(g) Use current technology, such as the Florida Information Resource Network, to produce and maintain abstracts of environmental education programs and materials available for use by teachers across the state, including their source and availability.

(h) Develop an annual status report on environmental education activities and deliver it to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Advisory Council on Environmental Education on or before December 1 of each year.

Section 14. Section 229.8058, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 229.8058, F.S., for present text.)

229.8058 Advisory Council on Environmental Education; establishment; responsibilities.—

(1) There is created within the Legislature the Advisory Council on Environmental Education. The council shall have 11 voting members, including:

(a) Two members of the Florida Senate, appointed by the President of the Senate;

(b) Two members of the Florida House of Representatives, appointed by the Speaker of the House of Representatives; and

(c) Five members appointed by the Governor.

(d) A representative of the Department of Education.

(e) A representative of the Executive Office of the Governor who assists in the administration of environmental education grants.

(2) Each member who is a public official shall perform the duties of a member of the council as additional duties required of him in his other official capacity.

(3) Legislative members shall be appointed to terms that correspond to their terms of office. All other members shall be appointed to staggered 4-year terms. All members may be reappointed.

(4) The council shall elect a chairperson from among its legislator members and a vice chairperson and other officers as it finds necessary. The chairperson and vice chairperson shall serve for 1 year and may be reelected.

(5) If a legislator who is a member of the council, or a legislator who appointed a member, ceases to be a member or officer of the unit he was selected to represent, he or the member he appointed shall resign from the council immediately and a vacancy shall exist in the membership. The vacancy shall be filled in the manner of the regular appointment, and the person so appointed shall serve only to the end of the unexpired term or until his successor is appointed and qualified, whichever is later.

(6) A member of the council shall not be compensated for his services but shall be entitled to per diem and travel expenses as provided in s. 112.061.

(7) The council shall hold meetings at least semiannually at the call of the chairperson and shall adopt rules for its own government as provided in chapter 120.

(8)(a) The council shall employ and set the compensation of an executive director, who shall serve at its pleasure. Within available funds, the executive director may employ and set the compensation of professional, technical, legal, or clerical staff as needed. With the consent of the council, the executive director may employ consultants and enter into contracts on behalf of the council.

(b) The staff of the council shall be governed by the same rules as are the personnel of the Legislature and shall receive the same rights and benefits, including membership in the Florida Retirement System. The council shall make employer contributions for this purpose.

(c) The Joint Legislative Management Committee shall assist the council in obtaining office space and equipment for council staff. Office equipment, files, and materials purchased with funds allocated to the Council on Environmental Education from 1986-1989 shall be transferred to the council.

(9) The council shall:

(a) Advise the Governor and Cabinet and the Legislature on policies and practices needed to provide environmental education to visitors and residents who have little contact with the public education system of this state.

(b) Serve as a forum for the discussion and study of problems that affect the environment and environmental education.

(c) Recommend a priority list for the types of programs to be funded through the Save Our State Environmental Education Trust Fund, review any proposals for grants from the fund, and review any programs implemented through the fund.

(d) Not less than 90 days prior to the convening of each regular session of the Legislature, prepare an annual report of its findings and recommendations and transmit it to the Governor, each officer of the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The annual report must state the reasons and supporting data for each recommendation and may include draft legislation or rules as needed to implement such recommendations. In addition to the regular annual report, the council may issue interim or special reports on specific subjects as appropriate.

(e) Provide assistance to the Interagency Coordinating Committee for Environmental Education to coordinate the environmental education programs of state agencies.

(10) The council may:

(a) To the extent not otherwise provided by law, evaluate the environmental education programs for visitors and residents who do not regularly receive services from the public education system of Florida provided by state, local, and private agencies and organizations and, as appropriate, prepare studies and recommendations to improve the effect of those programs on public support for environmental protection;

(b) Examine proposed and existing programs that affect the environment and recommend statewide policies that will direct a unified, coordinated effort to educate the public about the programs; and

(c) Encourage and, when appropriate, coordinate studies relating to the environment and environmental education conducted by universities, state, local, and federal agencies.

Section 15. Interagency Coordinating Committee for Environmental Education.—

(1) The Advisory Council on Environmental Education shall encourage the coordination of interdepartmental activities regarding environmental education and shall form an Interagency Coordinating Committee for Environmental Education. The members of the committee shall be:

(a) An employee of the Department of Agriculture and Consumer Services;

(b) An employee of the Department of Community Affairs;

(c) An employee of the Department of Education;

(d) An employee of the Department of Environmental Regulation;

(e) An employee of the Department of Health and Rehabilitative Services;

(f) An employee of the Department of Natural Resources;

(g) An employee of the Department of State;

(h) An employee of the Executive Office of the Governor;

(i) An employee of the Game and Fresh Water Fish Commission;

(j) An employee of the Department of Transportation; and

(k) An employee of each water management district created in chapter 373, Florida Statutes.

The head of each such agency or water management district shall appoint a member by September 1, 1989, and shall designate the member as coordinator of environmental education for the agency or water management district. Each member shall serve at the pleasure of the agency head. The chairperson of the Advisory Council on Environmental Education shall serve as an ex officio member.

(2) Staff of the Advisory Council on Environmental Education shall assist the Interagency Coordinating Committee for Environmental Education as directed by the council.

(3) The Interagency Coordinating Committee for Environmental Education shall:

(a) Develop and maintain a memorandum of understanding to specify ways in which the agencies and water management districts they represent can share their resources to benefit the cause of environmental education in Florida. By March 1, 1990, the memorandum of understanding must be signed by the head of each agency and district listed in subsection (1).

(b) Make recommendations to the Advisory Council on Environmental Education for action by any agency or district listed in subsection (1) regarding the improvement of environmental education programs or implementation of the memorandum of understanding. The Advisory Council for Environmental Education shall review each recommendation and, upon approval of the recommendation, submit it to the agency or district to which it pertains. The council and the agency or district shall give priority to recommendations that combine resources to produce educational materials or programs for use by more than one agency or district.

(c) Annually choose by vote a chairperson and vice chairperson.

(d) Keep a written record of the proceedings of each meeting. Such records shall be kept on file by the Advisory Council on Environmental Education.

(4) Each member of the Interagency Coordinating Committee for Environmental Education is entitled to reimbursement from his participating agency for per diem and traveling expenses as provided in section 112.061, Florida Statutes.

Section 16. Environmental Education Grants.—

(1) The Executive Office of the Governor shall administer environmental education funds provided through the Governor's Save Our State Environmental Education Trust Fund.

(2) Eligible recipients for grants from the fund include governmental agencies and private organizations covered by Internal Revenue Code 501(c)(3) which primarily encounter visitors and Florida residents who seldom receive services from the state's system of public education. Projects eligible for such grants may include, but are not limited to:

(a) Creating or coordinating content of public service and commercial television advertisements to educate the public about Florida's fragile environment;

(b) Developing general media productions that can be used by a variety of organizations for public environmental education; and

(c) Producing or coordinating content, production, and distribution of information on Florida's environment for visitor welcome stations, driver's licensing centers, theme parks, state parks, or other locations frequented by visitors or new residents.

(d) Florida-based media production persons shall be given first consideration for developing, designing, and producing such media presentations. No media or educational materials prepared for distribution to selected audiences or the general public shall include oral presentations or visual images of any national, state, or local elected officials.

(4) The Advisory Council on Environmental Education shall recommend to the Governor priorities for categories of grant awards, shall review the grant proposals, and shall review the implementation of projects funded by the grants.

Section 17. It is the intent of the Legislature that staff and members of the Office of Environmental Education in the Department of Education, the Interagency Coordinating Committee for Environmental Education, the Executive Office of the Governor's administrators of environmental education grants, and the Advisory Council for Environmental Education meet at least twice annually to exchange ideas and discuss their programs.

Section 18. Save Our State Environmental Education Trust Fund.—

(1) The Legislature recognizes that this state, which is the fourth most populous state in the nation, will continue to attract new residents and visitors into the 21st century and that the quality of life for future Floridians cannot be maintained or improved unless the state is able to sustain such growth without damaging fragile environments and the delicate relationships among them. Maintaining or improving the quality of life requires a concentrated and coordinated effort to educate all residents and visitors about Florida's environmental problems and alternative solutions to these problems. The Legislature further recognizes that the Department of Education has long encouraged environmental education through the public school system and that many state agencies and private organizations provide environmental education programs to the general public. However, no one agency or fund has the primary responsibility for marshalling existing resources for environmental education into a single, coordinated effort, and no funding source exists to provide substantial incentives for private donors interested in improving environmental education. It is the intent of the Legislature that the funds provided in this section be spent to provide comprehensive, coordinated environmental education to all residents and visitors in this state, with the ultimate goal of establishing an integrated approach to the conservation of all natural environments.

(2) There is established within the Executive Office of the Governor the Save Our State Environmental Education Trust Fund. Funds may be provided from legislative appropriations and by donations from interested individuals and organizations. With advice from the Advisory Council on Environmental Education created in section 229.8058, Florida Statutes, the Executive Office of the Governor shall administer the trust fund and shall transfer to the council, upon request, the funds appropriated pursuant to chapter 216, Florida Statutes.

Section 19. (1) The Executive Office of the Governor may authorize the establishment of a nonprofit support corporation to support the development and implementation of an environmental education program. The nonprofit support corporation is intended to be self-supporting, but is assigned to the Executive Office of the Governor for administrative support as needed. The corporation shall be governed by a board of directors who shall be residents of the state. Board members shall include representatives of state and local governmental agencies, corporations, businesses, other organizations, and individuals who have an interest in environmental education and protection and enhancement

of Florida's natural resources. The base membership of the board shall consist of members selected by the Governor from a list of recommendations submitted by the Advisory Council on Environmental Education. Additional members of the board may be selected by unanimous consent of the board's base members.

(2) The nonprofit support corporation may organize and operate programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Advisory Council on Environmental Education. Such corporation shall be a Florida corporation not for profit incorporated under the provisions of chapter 617, Florida Statutes, and approved by the Department of State.

(3) Such nonprofit support corporation shall provide for an annual audit of its financial records and accounts by an independent certified public accountant. The corporation shall submit its annual audit report to the council for review. The identity of donors to the nonprofit support corporation who desire to remain anonymous may not be disclosed in the auditor's report. Such information is exempt from the requirements of section 119.07, Florida Statutes. This exemption is subject to the "Open Government Sunset Review Act" in accordance with section 119.14, Florida Statutes.

Section 20. Section 220.187, Florida Statutes, is created to read:

220.187 Environmental Education tax credit.—

(1) There shall be allowed a credit against the tax imposed by this chapter for any business which contributes any money to the nonprofit support corporation established by the Advisory Council on Environmental Education. The credit shall be computed each year as 50 percent of the actual amount contributed during such year.

(2) This credit shall apply to the fiscal year of any taxpayer beginning on or after July 1, 1989.

Section 21. Subsection (10) of section 220.02, Florida Statutes, 1988 Supplement, as amended by section 15 of chapter 88-201, Laws of Florida, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.575, those enumerated in s. 440.385(13), those enumerated in s. 220.18, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.189, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, ~~and~~ those enumerated in s. 220.188, *and those enumerated in s. 220.187.*

Section 22. The Advisory Council on Environmental Education, as created by section 229.8058, Florida Statutes, and the Interagency Coordinating Committee for Environmental Education, as created by section 3 of this act, are abolished on October 1, 1999, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 23. (1) There is hereby appropriated for fiscal year 1989-1990 the sum of $304,000 from the General Revenue Fund to the Executive Office of the Governor, and three positions are authorized to carry out the responsibilities of the office pursuant to this act. Of the amount appropriated, $200,000 shall be for the environmental education project grants which are eligible pursuant to section 4 of this act.

(2) There is hereby appropriated for fiscal year 1989-1990 the sum of $97,000 from the General Revenue Fund to the Department of Education, and two positions are authorized to carry out the responsibilities of the Office of Environmental Education created pursuant to this act.

(3) There is hereby appropriated for fiscal year 1989-1990 the sum of $355,000 from the General Revenue Fund to the Advisory Council on Environmental Education, and four positions are authorized to carry out the responsibilities of the council pursuant to this act.

(4) There is hereby appropriated for fiscal year 1989-1990 the lump sum of $345,000 from the Department of Natural Resources Save Our State Environmental Education Trust Fund to the Department of Natural Resources for environmental education projects and programs consistent with the activities described in section 4 of this act.

Section 24. The Advisory Council on Environmental Education shall recommend to the Department of Natural Resources priorities for projects and program activities to be funded from the Save Our State Environmental Education Trust Fund in the Department of Natural Resources. The Governor and Cabinet as head of the department may approve the list or strike individual projects from the list, but they may not otherwise alter the priority ranking of projects. The list shall be submitted to the Governor and Cabinet by the time of the first board meeting in July of each year and the Advisory Council on Environmental Education shall update the list and resubmit it for further review and approval by the Governor and Cabinet by the time of the first board meeting in January of each year to fund projects and program activities within available appropriations. The Governor and Cabinet shall act upon the recommended list within 45 days after its submission to them.

Section 25. Southern Atlantic and Gulf States' Coastal Protection Compact.—The Governor of the state is hereby authorized and directed to execute a compact on behalf of this state with any one or more of the states of Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

SOUTHERN ATLANTIC AND GULF STATES'
COASTAL PROTECTION COMPACT

The contracting states solemnly agree:

ARTICLE I

FINDINGS, PURPOSES, AND RESERVATIONS OF POWER.—

(1) Findings.—The signatory states hereby find and declare that:

(a) The marine and coastal waters of southern states bordering on the Atlantic Ocean or the Gulf of Mexico and the adjacent coastal lands, marshes, and estuaries are interrelated and require interstate attention and solutions.

(b) Certain environmental problems transcend state borders and require cooperative efforts of states adjacent to each other.

(2) Purposes.—The purposes of this compact are:

(a) To preserve the marine and coastal waters of the southern states bordering on the Atlantic Ocean or the Gulf of Mexico and the adjacent coastal lands, marshes, and estuaries through coordination of interstate research, management, and conservation efforts and by the prevention of pollution of the subject land and waters from any cause.

(b) To develop, implement, and integrate uniform policies for the protection, use, and conservation of the marine and coastal waters of the southern states bordering on the Atlantic Ocean or the Gulf of Mexico and the adjacent coastal lands, marshes, and estuaries.

(c) To plan for the welfare and development of marine and coastal resources, including fisheries, and coastal lands of the southern states bordering on the Atlantic Ocean or the Gulf of Mexico, and to identify those areas which require distinct protective efforts.

(d) To secure and maintain a proper balance among industrial, commercial, agricultural, residential, recreational, and other legitimate uses of the marine and coastal resources within the affected states and waters.

(3) Powers of the United States.—

(a) Nothing contained in this compact shall impair, affect, or extend the constitutional authority of the United States.

(b) The signatories hereby recognize that they must receive the consent of the Congress of the United States to enter into this compact and recognize the power and right of the Congress of the United States at any time by any statute expressly enacted for that purpose to revise the terms and conditions of its consent.

(4) Powers of the states.—Nothing contained in this compact shall impair or extend the constitutional authority of any signatory state, nor shall the police powers of any signatory state be affected except as expressly provided hereinafter.

The enumerated purposes do not limit the scope of this compact.

ARTICLE II

EFFECTIVE DATE.—This compact will become operative immediately as to those states executing it whenever any two or more of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states may become a party hereto with approval by a majority vote of the Southern Atlantic and Gulf States' Coastal Protection Commission.

ARTICLE III

SIGNATORY STATES' AUTHORITY.—Each state bound hereby agrees that within a reasonable time it will review and consider the recommendations of the Southern Atlantic and Gulf States' Coastal Protection Commission for future enactment and implementation.

ARTICLE IV

COMMISSION; CREATION AND COMPOSITION.—Each state joining herein shall appoint three members to a commission hereby constituted and designated as the Southern Atlantic and Gulf States' Coastal Protection Commission. One member from each state must be the executive officer of the administrative agency of such state charged with the enforcement of environmental regulations to which this compact pertains or, if there is more than one such office or agency, the official of the state appointed by the governor thereof. One member from each state must be a member of the legislature of such state, who will be appointed by the governor of such state. One member from each state must be a citizen of such state who has a knowledge of, and an interest in, marine and coastal environmental problems, who will be appointed by the governor of such state. This commission shall be a body corporate with the powers and duties set forth herein.

ARTICLE V

COMMISSION DUTIES.—

(1) The duties of the Southern Atlantic and Gulf States' Coastal Protection Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions necessary for bringing about the development and implementation of uniform policies for the protection of the marine and coastal waters of the southern states bordering on the Atlantic Ocean or the Gulf of Mexico and the adjacent coastal lands, marshes, and estuaries. The commission shall have the power to recommend the coordination of the exercise of the powers of the several states within their respective jurisdictions to carry out the purposes of the compact.

(2) To that end, the commission shall draft and recommend to the governors of the signatory states, legislation regarding the preservation, management, conservation, control, and supervision of marine and coastal waters of the signatory states and the adjacent coastal lands, marshes, and estuaries. The commission shall, at least 2 months prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to legislation that should be proposed to the legislature of that state in furtherance of the intent and purposes of this compact.

(3) The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems related to the preservation, management, conservation, control, and supervision of the marine and coastal waters of the signatory states and the adjacent coastal lands, marshes, and estuaries.

ARTICLE VI

COMMISSION; ELECTIONS.—The Southern Atlantic and Gulf States' Coastal Protection Commission shall elect from its number a chairman and a vice chairman and shall appoint, remove, or discharge, at its pleasure, such officers and employees as may be required to implement and carry out the provisions of this compact and shall fix and determine their duties, qualifications, and compensation. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but shall meet at least once a year.

ARTICLE VII

COMMISSION; VOTING.—Southern Atlantic and Gulf States' Coastal Protection Commission may not act in regard to its general affairs except by the affirmative vote of a majority of the whole number of signatory states present at any meeting. A recommendation may not be made by the commission in regard to the promulgation of uniform laws promoting the preservation, management, conservation, control, supervision, and use of the marine and coastal waters of the signatory states and the adjacent coastal lands, marshes, and estuaries except by affirmative vote of a majority of the interested signatory states. The commission shall define when a state is considered an interested signatory state.

ARTICLE VIII

RESERVATION OF POWER.—

(1) This compact does not limit the powers of any signatory state to repeal or refuse to enact any legislation or to impose additional conditions to preserve, maintain, conserve, control, or supervise its marine and coastal waters and adjacent coastal lands.

(2) This compact authorizes the signatory states to do all things reasonably necessary to carry out the purposes of the compact, but the compact is entered into solely for the purpose of empowering the duly appointed representatives of such states to meet, consult with, and make recommendations to their respective governors, legislative bodies, or governmental agencies with respect to the preservation, management, conservation, control, and supervision of the marine and coastal waters of such states and the adjacent coastal lands, marshes, and estuaries. However, any such recommendation of and any decision or agreement arrived at among the signatory states does not have any force of law and is not binding on any signatory state.

ARTICLE IX

COMMISSION; EXPENSES.—Each state shall pay for the expenses of its members on the Southern Atlantic and Gulf States' Coastal Protection Commission, and each signatory state shall pay to the secretary of the commission a pro rata share of the expenses of the commission. The commission may not expend funds pursuant to this compact unless moneys have been appropriated for such expenditure by the legislature of the signatory states.

ARTICLE X

COMPACT; TERM.—This compact will continue in force and remain binding upon each signatory state until renounced by that state. In order to renounce this compact, a signatory state must send 6 months' notice in writing of its intention to withdraw from the compact to each other signatory state.

ARTICLE XI

POWERS OF COMMISSION SUPPLEMENTAL.—Any powers herein granted to the Southern Atlantic and Gulf States' Coastal Protection Commission shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any other powers vested in the commission by any of the signatory states or by the Congress.

ARTICLE XII

ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.—

(1) The Southern Atlantic and Gulf States' Coastal Protection Commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of each signatory state on or before the 10th day of December of each year, setting forth in detail the transactions conducted by the commission during the 12 months preceding December 1 of that year.

(2) Each signatory state is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, and such other items pertaining to its financial standing as such state considers proper and to report the results of such examination to the governor of such state.

Section 26. Members of the Southern Atlantic and Gulf States' Coastal Protection Compact; appointment.—Pursuant to the Southern Atlantic and Gulf States' Coastal Protection Compact, three persons from this state will be members of the Southern Atlantic and Gulf States' Coastal Protection Commission. One member must be the Secretary of

the Department of Environmental Regulation. The secretary may designate a person in the department to attend meetings of the commission, participate in deliberations of the commission, and cast votes thereat on his behalf. One member must be a legislator appointed by the Governor. One member must be a citizen of this state who has a knowledge of, and an interest in, marine and coastal environmental issues. The Governor shall appoint such members for terms of 3 years each. If any of the two positions on the commission that are filled by gubernatorial appointment become vacant, the vacancy must be filled by gubernatorial appointment for the unexpired term. The appointment of each of the initial members to the commission becomes effective when the compact becomes operative pursuant to Article II of the compact. The members of the commission who are appointed by the Governor serve at his pleasure and may be removed by him for any reason.

Section 27. Cooperation of state agencies with the Southern Atlantic and Gulf States' Coastal Protection Commission.—Agencies, bureaus, and departments of this state shall cooperate with and assist the Southern Atlantic and Gulf States' Coastal Protection Commission in implementing and conducting programs pursuant to the Southern Atlantic and Gulf States' Coastal Protection Compact. Upon request by the commission, an agency, bureau, or department of this state shall provide the commission with information, personnel, and equipment.

Section 28. Advisory committee.—An advisory committee comprised of representatives of recreational and commercial fishing interests, coastal and marine industries, and conservation interests and such other representatives that the Governor considers appropriate must be established by the Governor as soon as practicable for the purpose of recommending to this state's members of the Southern Atlantic and Gulf States' Coastal Protection Commission proposals that may benefit the state.

Section 29. Manatee license plates.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a manatee license plate to commemorate the official state marine mammal. The manatee license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, who makes application and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A manatee license plate use fee of $15.

(c) A processing fee of $2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for a manatee license plate to replace a current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3)(a) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save the Manatee Trust Fund, created within the Department of Natural Resources. All funds deposited in the Save the Manatee Trust Fund may only be used for manatee research, protection, and recovery.

(b) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save Our State Environmental Education Trust Fund and used for environmental education.

(4) If a vehicle owner who has been issued a manatee license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Manatee license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Manatee license plates shall be of the same material and size as standard license plates that are issued by the state for any registration period. The word "Florida" shall appear at the top of the plate and the words "Save the Manatee" shall appear at the bottom of the plate. The birth month decal shall be placed on the lower left corner of the plate with the year of expiration decal on the lower right corner. The manatee license plate shall be available for sale for a period of 5 years, beginning January 1, 1990, through December 31, 1994.

(6) The request for a manatee license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

(7) This section expires January 1, 1995.

Section 30. Subsection (2) of section 327.22, Florida Statutes, is amended to read:

327.22 Regulation of vessels by municipalities or counties.—

(2) Any county of 100,000 persons or more may impose an annual registration fee on vessels registered, operated, or stored in its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first $1 of every registration imposed under this subsection shall be remitted to the state for deposit in the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for expenditure solely on activities related to the preservation of manatees. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

Section 31. Subsections (7) and (12) of section 327.25, Florida Statutes, 1988 Supplement, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines.—

(7) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate his desire to pay an additional voluntary contribution to the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for manatee and marine mammal *research*, protection, and recovery. This contribution shall be in addition to all other fees and charges. Provisions for collecting this contribution shall begin with the boat registrations for fiscal year 1985. The amount of the request for a voluntary contribution solicited shall be $1 per registrant. Beginning with boat registration in fiscal year 1993, the request for a voluntary contribution solicited shall be $2 per registrant. All voluntary contributions shall be deposited in the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ for use in accordance with the provisions of s. 370.12(5).

(12) DISTRIBUTION OF FEES.—Moneys deposited pursuant to s. 327.28 to be returned to the counties are appropriated to the department for grants to the county general governments for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities and for manatee and marine mammal protection and recovery. The department shall ascertain, as a guideline in determining the amounts of grants each county may receive, the number of noncommercial vessels registered in the county during the preceding fiscal year according to the fee schedule provided in subsection (1) and shall promulgate rules and regulations to effectuate this. Each fiscal year, prior to determination of the grants to the counties under this section, $250,000 of the amount available for such grants shall be available for manatee and marine mammal *research*, protection, and recovery.

Section 32. Subsections (1) and (2) of section 327.28, Florida Statutes, are amended to read:

327.28 Motorboat Revolving Trust Fund; appropriation and distribution.—

(1) All funds collected from the registration of vessels through the department and the tax collectors of the state shall be deposited by the department in a Motorboat Revolving Trust Fund, in order to provide for the administrative cost of this chapter and for recreational channel marking, public launching facilities, law enforcement and quality control programs, aquatic weed control, and manatee and marine mammal protection and recovery. In each fiscal year, $250,000 shall be *transferred to the Save the Manatee Trust Fund* ~~available~~ for manatee and marine mammal *research,* protection, and recovery *in accordance with the provisions of s. 370.12(5).* Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Aquatic Plant Control Trust Fund for aquatic weed research and control. Forty percent of the registration fees from commercial vessels shall be transferred to the Florida Saltwater Products Promotion Trust Fund to be used for law enforcement and quality control programs. Forty percent of the registration fees from commercial vessels shall be transferred to the Aquatic Plant Control Trust Fund for aquatic plant research and control.

(2) From the funds collected through vessel registration and deposited in the Motorboat Revolving Trust Fund, the Legislature shall appropriate sufficient funds to the department for the administration of this part and for recreational channel marking, public launching facilities, law enforcement and quality control programs, aquatic weed control~~, and manatee and marine mammal protection and recovery~~.

Section 33. Subsection (5) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(5) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year~~, $250,000 from~~ the *Save the Manatee Trust Fund* ~~Motorboat Revolving Trust Fund~~ shall be available for annual funding of *activities of public and private organizations and those of the department intended to provide* ~~the department's~~ manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. *The department shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.*

(b) When the federal and state governments remove the manatee from status as an endangered or threatened species, the ~~requirement for an~~ annual allocation ~~of $250,000~~ may be reduced.

Section 35. (1) The Legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.

(2) It is unlawful for any person, firm, or corporation to intentionally release or intentionally cause to be released within a 24-hour period ten or more balloons inflated with a gas that is lighter than air except for:

(a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) Hot air balloons that are recovered after launching;

(c) Balloons released indoors; or

(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Marine Fisheries Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.

(3) Any person who violates subsection (2) is guilty of a noncriminal infraction, punishable by a fine of $250.

(4) Any person may petition the circuit court to enjoin the release of ten or more balloons if that person is a citizen of the county in which the balloons are to be released.

Section 36. The Marine Fisheries Commission, in consultation with the Department of Environmental Regulation, is hereby empowered and directed to adopt rules on or before November 1, 1989, which establish criteria for biodegradable or photodegradable balloons that shall be exempt from the prohibitions of this act. The criteria shall provide protection for birds, sea turtles, whales, and other marine life.

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Amendment 2—On page 3, lines 6 and 7, strike *", as defined in s. 376.031(12)"*

Senator Stuart moved the following amendment which was adopted:

Amendment 3—On page 16, between lines 16 and 17, insert:

Section 11. Subsection (4) of section 161.142, Florida Statutes, is amended to read:

161.142 Declaration of public policy relating to improved navigation inlets.—The Legislature hereby recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited around shallow outer-bar areas instead of providing natural nourishment to the downdrift beaches. Therefore:

(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b) *and the provisions of subsection (2) shall not be imposed upon inlets with a design depth of 10 feet or less at mean low water.*

(Renumber subsequent sections.)

Senator McPherson moved the following amendments which were adopted:

Amendment 4—In title, on page 1, line 3, strike "resources" and insert: environmental protection

Amendment 5—In title, on page 2, line 13, after the semicolon (;) insert: amending s. 229.8055, F.S.; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; transferring certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; creating the Interagency Environmental Education Coordinating Committee to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for regular meetings of members and staff of specified entities; creating the Save Our State Environmental Education Trust Fund; authorizing the Executive Office of the Governor to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; creating s. 220.187, F.S.; providing for a credit against the corporate income tax for contributions to such corporation; providing for application; amending s. 220.02, F.S.; specifying the order of taking such credit; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act

on such recommendations within a specified time; providing additional positions; providing appropriations; authorizing the Governor to enter, on behalf of the state, into a Southern Atlantic and Gulf States' Coastal Protection Compact with one or more specified states; specifying the form of such compact; specifying within such compact that the states must receive the consent of the Congress of the United States to enter into such compact, that the signatory states of the compact agree to the creation of a commission comprised of members from each state, that the commission is to recommend to the states uniform laws for the preservation, management, and conservation of marine and coastal environments, that the states are not bound by such recommendations, that each state agrees to pay a pro rata share of the expenses of the commission, and that the commission will file a financial report with the governor and legislature of, and is subject to an audit by, each state that agrees to the compact; providing for membership of the commission from this state; requiring state agencies to cooperate with the commission and to provide information, personnel, and equipment to the commission; providing for the creation of an advisory committee by the Governor to advise commission members from this state; providing for the issuance of license plates to commemorate the manatee; providing fees; providing for certain fees to be used for the purpose of protecting and caring for manatees in the state; providing for the manatee license plate to be issued for a specified period of time; amending s. 327.22, F.S.; providing for deposit of funds; amending s. 327.25, F.S.; providing for voluntary contributions; amending s. 327.28, F.S.; providing for the transfer of revenue in a specified amount for certain purposes; amending s. 370.12, F.S.; providing for funding of programs for marine animals; providing that it is unlawful to release or cause to be released into the atmosphere a specified number of balloons within a specified period of time; providing exceptions; providing a penalty; providing for the adoption of rules; providing for injunctive relief;

Senator Stuart moved the following amendment which was adopted:

Amendment 6—In title, on page 2, line 4, after the semicolon (;) insert: amending s. 161.142, F.S.; providing an exemption for certain inlets from requirements relating to sand replacement;

On motion by Senator Crenshaw, by two-thirds vote CS for CS for SB's 481 and 314 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Gardner	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Jennings	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kiser	Scott	
Davis	Langley	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Brown, by two-thirds vote CS for HB 1267 was withdrawn from the Committees on Judiciary-Criminal; and Corrections, Probation and Parole.

On motion by Senator Brown—

CS for HB 1267—A bill to be entitled An act relating to the statewide criminal analysis laboratory system; creating s. 943.325, F.S.; providing for blood specimen testing for DNA analysis of persons convicted of specified offenses; providing testing criteria; providing for a designated testing facility; providing for limited release of information and providing an exemption from the public records law; providing recordkeeping duties; providing an effective date.

—a companion measure, was substituted for CS for SB 1221 and read the second time by title.

On motion by Senator Brown, by two-thirds vote CS for HB 1267 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for CS for HB 75 and CS for CS for HB 535 were withdrawn from the Committee on Education; CS for CS for HB 300 was withdrawn from the Committee on Corrections, Probation and Parole; HB 620 was withdrawn from the Committee on Judiciary-Criminal; HB 1326 was withdrawn from the Committees on Judiciary-Civil; and Health and Rehabilitative Services; CS for CS for HB 1593 was withdrawn from the Committees on Education; and Health and Rehabilitative Services.

On motions by Senator Margolis, by two-thirds vote SB 871, SB 1337, CS for SB's 93 and 982, CS for SB 226, CS for SB's 518 and 572, CS for SB 658, CS for SB 1063, and CS for HB 530 were withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

CS for SB 877—A bill to be entitled An act relating to children; directing the Department of Health and Rehabilitative Services to establish a statewide child care resource and referral network; providing for child care resource and referral agencies; prescribing services which such agencies must provide; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 22 and 23, insert:

Section 3. Section 402.3053, Florida Statutes, is created to read:

402.3053 Child Care Facilities Staff Training Trust Fund.—

(1) There is created a Child Care Facilities Staff Training Trust Fund to be used by the Department of Health and Rehabilitative Services for the purpose of providing training to meet minimum staff training requirements to child care personnel pursuant to s. 402.305 and for the purpose of providing supportive services pursuant to s. 402.314. There shall be deposited into the trust fund all moneys and proceeds collected by the department from child care facility licensing fees pursuant to s. 402.308 and from administrative fines pursuant to s. 402.310.

(2) The department shall issue a request for proposals to contract for staff training with a state community college, an educational institution, or other district coordinating agency determined to have the capability to meet the coordination requirements set forth by the department. The department may issue separate requests for proposals for different regions of the state. The request for proposals shall stipulate procedures for ensuring the training of child care personnel, including onsite training, and the operation of a management information system. The management information system shall provide the department with data on child care staff trained, including, but not limited to, the name and address of staff, the date training was completed, and the name and location of the child care facility where staff is employed.

(3) The department is authorized to adopt rules necessary to implement the provisions of this section.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: creating s. 402.3053, F.S.; establishing the Child Care Facilities Staff Training Trust Fund within the Department of Health and Rehabilitative Services; providing purposes; providing for deposits into the trust fund; requiring requests for proposals to contract for child care personnel staff training with a state community college, educational institution, or district coordinating agency; providing for certain procedures; providing for a management information system; providing authority to establish rules;

On motion by Senator Weinstein, by two-thirds vote CS for SB 877 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Scott
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson

CS for SB 517—A bill to be entitled An act relating to state lands; amending s. 253.033, F.S.; revising language with respect to the Inter-American Center property to provide an exclusion to the requirement of the immediate transfer of a certain portion of "the Graves tract" reserved for right-of-way; providing for the transfer of certain lands within "the Graves tract" to the City of North Miami; providing that the city shall not be required to pay monetary consideration; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 517 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Reconsideration

On motion by Senator Margolis, the Senate reconsidered the vote by which CS for SB 517 passed.

On motion by Senator Margolis, by two-thirds vote—

CS for HB 709—A bill to be entitled An act relating to state lands; amending s. 253.033, F.S.; revising language with respect to the Inter-American Center property to provide an exclusion to the requirement of the immediate transfer of a certain portion of "the Graves tract" reserved for right-of-way; providing for the transfer of certain lands within "the Graves tract" to the City of North Miami; providing that the city shall not be required to pay monetary consideration; providing an effective date.

—a companion measure was substituted for CS for SB 517 and by two-thirds vote read the second time by title.

On motion by Senator Margolis, by two-thirds vote CS for HB 709 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Jennings	Scott	
Davis	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for CS for SB 1417—A bill to be entitled An act relating to education; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act; providing legislative intent; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Advisory Council; providing for membership; providing for powers and duties; requiring the Department of Education to conduct an evaluation of math and science textbooks; creating the Teacher/Quest Scholarship Program and providing procedures and criteria for participation; amending s. 240.408, F.S.; authorizing the use of funds from the Challenger Astronauts Memorial Scholarship Trust Fund for the Teacher/Quest Scholarship Program; amending s. 236.013, F.S.; redefining full-time equivalent student with respect to courses in mathematics, science, and computer education; creating s. 233.0575, F.S.; providing legislative intent; authorizing mathematics/science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approval and for a library of information; amending s. 233.09, F.S.; requiring instructional materials recommended for adoption to be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education; providing for review and repeal; providing effective dates.

—was read the second time by title.

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 3, lines 7 and 8, strike "the Division of Public Schools within"

Amendment 2—On page 3, line 12, after "and" strike "six" and insert: seven

On motion by Senator Gardner, further consideration of **CS for CS for SB 1417** as amended was deferred.

CS for SB 898—A bill to be entitled An act relating to animal industry; amending s. 585.195, F.S.; providing requirements for inoculation and deworming of dogs and cats transported into the state for sale or offered for sale within the state; revising provisions relating to health certificates for such dogs and cats; providing for use and retention of certificates; providing an age requirement; providing remedies for a consumer who purchases an unfit animal from a pet dealer; requiring a veterinarian's certification; providing certain rights of pet dealers and consumers; requiring certain notice to consumers; defining "pet dealer"; prohibiting certain misrepresentation of a dog or cat offered for sale within the state; providing a penalty; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 898 to conform the bill to CS for CS for HB 1641.

Pending further consideration of CS for SB 898 as amended, on motion by Senator Malchon, by two-thirds vote CS for CS for HB 1641 was withdrawn from the Committee on Agriculture.

On motions by Senator Malchon, by two-thirds vote—

CS for CS for HB 1641—A bill to be entitled An act relating to animal industry; amending and renumbering s. 585.195, F.S.; providing requirements for inoculation and deworming of dogs and cats transported into the state for sale or offered for sale within the state; revising provisions relating to health certificates for such dogs and cats; providing for use and retention of certificates; providing an age requirement; providing remedies for a consumer who purchases an unfit animal from a pet dealer; requiring a veterinarian's certification; providing certain rights of pet dealers and consumers; requiring certain notice to consumers; defining "pet dealer"; prohibiting certain misrepresentation of a dog or cat offered for sale within the state; providing a penalty; providing an effective date.

—a companion measure, was substituted for CS for SB 898 and by two-thirds vote read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, insert:

Section 1. (1) The board of county commissioners of each county shall enact ordinances related to rabies control, which ordinances shall provide that rabies vaccinations may be administered by:

(a) A licensed veterinarian.

(b) A certified animal health technician under the supervision of a veterinarian.

(c) A rabies vaccination administrator who shall be a person employed by a public or private incorporated animal shelter who is certified to administer rabies vaccinations to animals in his custody under the supervision of a licensed veterinarian.

(2) Training for rabies vaccination administrators shall be provided by veterinarians at the local level using standardized curricula and tests which are developed by the University of Florida College of Veterinary Medicine in consultation with a designated representative from the Florida Veterinary Medical Association, Florida Action for Animals, Florida Animal Control Association, and the State Health Officer.

(3) The owner of a dog or cat which is 3 months of age or older must have the animal vaccinated against rabies with a killed virus vaccine approved by the United States Department of Agriculture, have it revaccinated 1 year after the first vaccination, and at least every 2 years thereafter during the animal's lifetime.

(4) A dog or cat need not be vaccinated against rabies if a licensed veterinarian examines the animal and certifies in writing that vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. The owner of any such animal shall provide a certificate evidencing such condition to the designated agency upon request and shall keep the animal confined until it is vaccinated. An exempt animal must be vaccinated as soon as its health permits.

(5)(a) The owner of a vaccinated animal shall receive a rabies vaccination certificate which contains:

1. A serialized number.

2. The name, address, and phone number of the owner.

3. The species, age, sex, color, breed, weight, and name of the animal vaccinated.

4. The date of vaccination.

5. The expiration date of the vaccine.

6. The rabies vaccine manufacturer.

7. The vaccine lot number.

8. The type of vaccine used.

9. The route of administration of the vaccine.

10. The duration of immunity provided by the vaccine.

11. The signature of the vaccine administrator.

(b) Each designated agency may require that dogs and cats be issued a rabies tag or license upon presentation of a valid rabies certificate.

(6) The owner of a dog or cat shall show proof of the animal's current rabies vaccination to the designated agency upon request.

(7) The owner of a dog or cat who fails to have the animal vaccinated as required by this section is guilty of a misdemeanor of the second degree, punishable by fine only in an amount not to exceed $500.

(8) A rabies vaccination administrator employed by a county animal control agency or by an animal shelter operated by an animal protection association registered with the Secretary of State may obtain rabies vaccine directly from the manufacturer.

(9) The vaccine administrator shall keep records of the rabies vaccinations for the preceding 3 years, including copies of the rabies vaccination certificates given to animal owners.

(10) Local governments may adopt requirements similar to, but not in conflict with, this section to implement and enforce rabies or animal control ordinances.

(11) A person may not administer rabies vaccine to any animal unless the vaccine is licensed for use in that particular animal species. However, the State Health Officer may grant an exception for recognized zoos and research institutions.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: requiring each county to enact ordinances relating to rabies control; providing rabies vaccination requirements; providing a penalty for an owner's failure to have an animal vaccinated;

On motion by Senator Malchon, by two-thirds vote CS for CS for HB 1641 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Johnson	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Davis	Jennings	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator Deratany presiding

CS for SB 1355—A bill to be entitled An act relating to utilities; creating the "Underground Utility Excavation Damage Prevention and Safety Act"; creating the Underground Utility Excavation Damage Prevention Direct Support Organization; providing legislative intent; providing definitions; providing organization membership; providing powers and duties of the organization; providing for the establishment of a utility one-call notification center through which excavators can communicate plans to utility operators within a described time schedule; providing procedures; providing for liability of the operator and the excavator; providing penalties; providing an exception for emergency excavations under certain circumstances; providing for the applicability of the act to existing law; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 5, line 7, strike "11" and insert: 12

Amendment 2—On page 5, line 13, strike "private gas industry" and insert: natural gas industry, propane gas industry

Amendment 3—On page 7, line 13, after "establish" insert: , if necessary,

Amendment 4—On page 9, line 6, after "excavation" insert: , except when the permitting agency requires notification before issuing the permit number

Amendment 5—On page 10, line 19, strike "public"

On motion by Senator Thurman, further consideration of **CS for SB 1355** as amended was deferred.

Motion to Reconsider

Senator Margolis moved that the Senate reconsider the vote by which CS for CS for SB's 481 and 314 passed.

SB 681—A bill to be entitled An act relating to drivers' licenses; amending s. 322.141, F.S.; providing for the issuance of a separately color-coded driver's license for persons who are insulin-dependent diabetics; directing the Department of Highway Safety and Motor Vehicles to require appropriate proof; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Ros-Lehtinen and adopted:

Amendment 1—On page 1, lines 25-29 and on page 2, lines 1-3, strike all of said lines and insert: *have insulin-dependent diabetes for the operation of motor vehicles may at the request of the applicant have markings or color, including photographic backdrop, which shall be an obviously separate and distinct color backdrop from all other licenses issued by the department for the operation of motor vehicles.*

(b) At the time of application for original license or reissue, the department shall require such proof as it deems appropriate that a person has insulin-dependent diabetes.

Amendment 2—In title, on page 1, strike line 5 and insert: persons who have insulin-dependent diabetes;

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 681 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 787—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S.; authorizing the Treasurer to invest in bankers' acceptances issued by banks that are not members of the Federal Reserve System and in certain obligations of state and local governments; revising provisions relating to investment in intermediate-term corporate notes and authorizing investment in corporate master notes; clarifying the types of investments authorized to be made by the Treasurer under certain conditions; amending s. 697.203, F.S.; removing duties of the State Board of Administration in administering the Home Equity Conversion Mortgage Guaranty Fund; providing legislative purpose and intent; amending s. 215.58, F.S.; defining the term "governmental agency"; amending s. 215.64, F.S.; providing the division has the authority to direct agencies to comply with federal arbitrage laws; providing the division with powers related to conducting investigations or proceedings; amending s. 215.65, F.S.; allowing the division to adopt by resolution a schedule of fees and expenses; deleting the requirement that the State Board of Administration must approve such schedule and revisions thereto; creating s. 215.655, F.S.; creating the Arbitrage Compliance Trust Fund to pay certain expenses of the division; providing for fees to reimburse the trust fund; amending s. 215.76, F.S.; providing that the division is responsible for ensuring compliance with federal arbitrage law; providing that governmental agencies are subject to the direction of the division, as specified; amending s. 215.83, F.S.; providing that the federal arbitrage compliance functions of the department supersede any inconsistent provisions of other laws; providing for an appropriation; providing for a transfer of funds from the Bond Fee Trust Fund to the Arbitrage Compliance Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote CS for SB 787 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **CS for SB 1048 and CS for SB 302** was deferred.

SB 485—A bill to be entitled An act relating to health care; providing legislative findings and intent; requiring the Health Care Cost Containment Board to conduct a study of public-sector purchasing of health care coverage; requiring a report; requiring the Health Care Cost Containment Board to convene a statewide conference of public-sector health care purchasers; requiring the Health Care Cost Containment Board to contract with the State University System to conduct the conference; establishing the Florida Task Force on Private Sector Health Care Responsibility; requiring reports and recommendations; providing for membership, duties, powers, and compensation; providing for subpoenas, audits, and investigations; providing confidentiality; requiring cooperation of state agencies; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Malchon and adopted:

Amendment 1—On page 5, lines 5 and 6, strike "uninsured or" and insert: insured, uninsured, and

Amendment 2—On page 5, between lines 9 and 10, insert:

(c) Employer, employee, and insurer practices which contribute to workers having health insurance for themselves, their spouses, and their children;

(Renumber subsequent paragraphs.)

On motion by Senator Malchon, the rules were waived to allow the following amendment to be considered:

Senator Malchon moved the following amendment which was adopted:

Amendment 3—On page 9, lines 9 and 10, strike "$500,000" and insert: $400,000

On motion by Senator Malchon, the rules were waived to allow the following amendment to be considered:

Senator Malchon moved the following amendment which was adopted:

Amendment 4—On page 9, between lines 15 and 16, insert:

Section 6. (1) There is established the Florida Task Force on Government Financed Health Care. The task force shall prepare and submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate by March 1, 1991, policy recommendations for government financed health care, and steps required by the Legislature and executive branches to implement the recommendations. Recommendations should address the following issues:

(a) Review of currently funded health care service delivery programs and categorization of programs based on type, cost efficiency, and potential for reducing future costs.

(b) Determination of the level of health care services which the state should be responsible for providing or requiring based on currently available resources; and based on incremental increases in funding, identification of reasonable steps to increase the level of services which the state should be responsible for providing.

(c) Assessment of the medical, ethical, and financial considerations involved in government financed health care.

(d) Evaluation of the current allocation of medical resources and the state's role in ensuring equitable distribution of services.

(e) Evaluation of existing federal, state, and local statutory mechanisms relating to the health care delivery system.

(f) Evaluation of the existing third-party reimbursement system effectiveness in providing health care coverage.

(g) Evaluation of the minimum level of service which licensed health care providers should be responsible for providing.

(2) In developing its policy recommendations, the task force shall include technical advice from the following resource groups: health professional organizations and associations; the Medicaid and Health Planning Offices of the Department of Health and Rehabilitative Services; consumer coalitions and health advocacy groups; and the Statewide Health Council.

(3) The task force shall be composed of 17 members who shall be appointed by July 1, 1989. The task force shall exist for 2 years. The President of the Senate shall appoint two members of the Senate and one representative of the general public. The Speaker of the House of Representatives shall appoint two members from the House of Representatives and one representative of the general public. The Governor shall appoint the Secretary of the Department of Health and Rehabilitative Services or his designee; two health care consumers, at least one of whom shall be a recipient of state funded health care; and the remaining eight members shall include representatives chosen from the health care industry and such other individuals whom the Governor deems could contribute to the overall objectives of the study.

(4) The task force shall meet as often as it deems necessary to carry out its duties and responsibilities.

(5) The task force shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him or her by the task force. The executive director shall be the chief administrative officer of the task force and shall, upon approval of the task force, be responsible for appointing all employees and staff members of the task force. If members apply for travel and per diem expenses, they shall be reimbursed for such expenses as provided in s. 112.061, Florida Statutes.

(6) The task force may contract with one or more public or private organizations or individuals to perform such functions as are in keeping with the intent of this section.

(7) Notwithstanding the provisions of s. 407.04(2), Florida Statutes, the sum of $175,000 for fiscal year 1989-1990 and $175,000 for fiscal year 1990-1991 from the Health Care Cost Containment Trust Fund is hereby appropriated for this task force. Any unencumbered balance of the amount appropriated for the task force for fiscal year 1989-1990 shall not revert to the fund but may be extended for purposes of this act.

(Renumber subsequent section.)

Senator Grizzle moved the following amendments which were adopted:

Amendment 5—On page 9, between lines 15 and 16, insert:

Section 6. (1) Definitions.—As used in this act:

(a) "Joint venture" means any ownership or compensation arrangement between persons providing health care.

(b) "Person" means any individual, firm, partnership, corporation, company, association, institution, or joint stock association, and any legal successor thereof.

(c) "Board" means the Health Care Cost Containment Board created by s. 407.01, Florida Statutes.

(2) The board shall conduct a special study, as authorized in s. 407.07, Florida Statutes, of ownership or compensation arrangements between persons providing health care. This study shall include, but not be limited to, the following:

(a) Identification of relationships between persons who provide health care and make referrals for which payment may be made.

(b) Identification of the scope of such arrangements and the means by which persons who provide health care refer patients under such arrangements.

(c) Analysis of the potential of such ownership or compensation to influence referrals by persons who provide health care where inappropriate utilization of health care services may occur.

(d) Evaluation of the impact of such arrangements on access of health care, quality of health care, and costs to the health care system.

(e) Recommendations as may be appropriate on the effectiveness of disclosure requirements contained in s. 455.25, Florida Statutes.

(f) Recommendations to strengthen the enforcement of the antikickback authority in ss. 395.0185, 400.17, 400.176, 458.331(1)(i), 459.015(1)(j) and (k), 461.013(1)(j), 462.14(1)(j), 468.365(1)(q), 468.518(1)(l), 474.214(1)(k), 483.245, and 486.125(1)(f), Florida Statutes, including, but not limited to, the need for an interagency system of coordination, consumer education, and regulation of persons providing health care.

(g) Recommendations for regulation by the state on an interagency system of coordination to regulate the impact of joint ventures on costs of health care, access to health care, and quality of health care, including, but not limited to, the procedural mechanisms for patient referrals between persons providing health care. The recommendations for regulation shall be applicable to both governmental and nongovernmental reimbursement of health care services as appropriate.

Section 7. (1) The study of joint ventures shall be conducted by the board through the use of a special technical assistance panel convened for the purposes of this study. The board shall appoint the panel, and specify the roles and responsibilities of the technical assistance panel in satisfying the provisions of this section. The panel shall have representation from the following groups:

(a) Physicians.

(b) The hospital industry.

(c) Health care purchasers, including the insurance industry.

(d) State agencies responsible for the enforcement of antikickback authority in ss. 395.0185, 400.17, 400.176, 458.331(1)(i), 459.015(1)(j) and (k), 461.013(1)(j), 462.14(1)(j), 468.365(1)(q), 468.518(1)(l), 474.214(1)(k), 483.245, and 486.125(1)(f), Florida Statutes.

(e) Other parties as deemed appropriate by the board.

(2) The board shall complete, by March 15, 1990, an interim report detailing the progress of the study; shall complete, on or before February 1, 1991, the final version of the study, along with specific data-based conclusions on the type of joint ventures and recommendations on the regulations dealing with the enforcement of antikickback authority; and shall provide copies of the interim and final reports to the Legislature and Governor.

(Renumber subsequent section.)

Amendment 6—In title, on page 1, line 19, after the semicolon (;) insert: requiring the Health Care Cost Containment Board to conduct a special study on the impact of joint ventures on health care; providing for appointment of a panel; requiring reports to the Governor and the Legislature; providing definitions;

Senator Malchon moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 18, after the semicolon (;) insert: establishing the Florida Task Force on Government Financed Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for staff; providing for per diem and travel expenses;

On motion by Senator Malchon, by two-thirds vote SB 485 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Stuart, by two-thirds vote—

CS for HB 1226—A bill to be entitled An act relating to education; amending s. 231.0861, F.S.; directing the State Board of Education to include certain provisions for Superintendents, Assistant Superintendents, and Area Superintendents; providing that persons may be liable for certain damages, court costs, and attorneys' fees which are suffered by a university as a result of the violation of certain bylaws of the National Collegiate Athletic Association; providing that such damages may be used to create scholarships; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 240.402, F.S.; revising language with respect to the Florida Undergraduate Scholars' Fund; providing an additional criteria; amending s. 240.401, F.S.; revising eligibility criteria for state tuition vouchers; revising payment provisions; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; amending s. 240.4025, F.S.; revising student eligibility for scholarships from the Florida Graduate Scholars' Fund; revising departmental administration; amending s. 240.403, F.S.; revising student eligibility for scholarships from the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund; amending s. 240.404, F.S.; revising general requirements for student eligibility for state financial aid; providing a penalty; amending s. 240.4062, F.S.; revising student eligibility for loans from the Critical Teacher Shortage Scholarship Loan Program; revising repayment provisions; deleting certain funding requirements; providing technical revisions; amending s. 240.4064, F.S.; deleting certain funding requirements relating to critical teacher shortage tuition reimbursements; amending s. 240.4066, F.S.; revising student eligibility for loans from the Masters' Fellowship Loan Program for Teachers; deleting the mandatory provision of certification; amending s. 240.4068, F.S.; revising eligibility criteria for the "Chappie" James Most Promising Teacher Scholarship Loan Program; providing for reduction in loans under certain circumstances; revising provisions relating to loan repayment; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the Florida Public Student Assistance Grant Fund; deleting certain funding requirements; revising transfer provisions; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; creating the Florida Private Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; providing institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; creating the Florida Postsecondary Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; providing institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; amending s. 240.412, F.S.; revising student eligibility for scholarships from the Jose Marti Scholarship Challenge Grant Fund; amending s. 240.413, F.S.; revising student eligibility for Seminole and Miccosukee Indian Scholarships; amending s. 240.421, F.S.; revising provisions relating to council meetings and submission of council meeting minutes; amending s. 240.429, F.S.; requiring the department to maintain records on student loan default rates; requiring an annual report; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; revising required program analysis; amending s. 240.601, F.S.; revising student eligibility for certain work study funding; amending s. 240.604, F.S.; revising institutional expenditure authority relating to the public school work experience program; revising student eligibility for certain work study funding; amending ss. 295.01, 295.015, 295.016, 295.017, 295.018, and 295.019, F.S.; revising student eligibility for benefits relating to children of certain deceased or disabled veterans, prisoners of war, or servicemen who died or became disabled; amending s. 320.0808, F.S., to conform terminology; establishing the college reach-out program; providing grants to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining grants under the program; providing for the appointment of an advisory committee to recommend the order of funding proposals under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; amending s. 230.645, F.S.; authorizing school boards to establish a consumable supply fee for postsecondary students enrolled in certain programs or courses when the course or program expenditure exceeds revenue; providing effective dates.

—a companion measure, was substituted for CS for SB 1192 and by two-thirds vote read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 8-22 and renumber subsequent sections.

Amendment 2—On page 56, line 30, insert:

Section 34. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college and all appointed district school superintendents.

Amendment 3—On page 56, line 30, insert:

Section 34. Subsections (3) and (4) of section 240.535, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

240.535 New World School of the Arts.—

(3) There is hereby created the New World School of the Arts, a center of excellence for the performing and visual arts, *to serve all of the State of Florida.* The school shall offer a program of academic and artistic studies in the visual and performing arts which shall be available to talented high school and college students.

(4)*(a)* The school is assigned to Florida International University, Miami-Dade Community College, and the Dade County School District for purposes of administration and governance. The school shall be administered by *an executive board of 23 members as follows: six members appointed by Florida International University, including two faculty members or administrators, one member of the foundation board of trustees, and three community members; six members appointed by Miami-Dade Community College, including two faculty members or administrators, one member of the board of trustees, and three community members; six members appointed by the Dade County School District, including two faculty members or administrators, one member of the school board, and three community members; the Governor or his designee; the Secretary of State or his designee; the Commissioner of Education or his designee; the President of the Senate or his designee; and the Speaker of the House of Representatives or his designee. Community members of the executive board shall be appointed for 3-year staggered terms and all other members shall serve until replaced by the appointing agency.* ~~a governing body established by the participating institutions.~~

(b) The New World School of the Arts Foundation is hereby created to be governed by a board of trustees appointed by the executive board of the school whose membership shall include at least six members of the executive board.

(c) The school may affiliate with other public or private educational or arts institutions. The school shall serve as a professional school for all qualified students within appropriations and limitations established by the Legislature and the respective educational institutions.

(5) The Governor's summer arts program is hereby created and established as an annual program for the most talented high school students from across Florida, selected by competition and taught by faculty of the New World School of the Arts and outstanding visiting professionals.

(Renumber subsequent section.)

Senator Peterson moved the following amendments which were adopted:

Amendment 4—On page 52, lines 1-31; on page 53, lines 1-31; on page 54, lines 1-31; on page 55, lines 1-31; and on page 56, lines 1-15, strike all of said lines and insert:

Section 32. College reach-out program.—

(1) It is the intent of the Legislature to increase the number of students successfully completing a postsecondary education, who would be unlikely to seek admission to a community college or state university without special support and recruitment efforts.

(2) There is established a college reach-out program. The primary objective of the program is to strengthen the educational motivation and preparation of low-income or educationally disadvantaged students in grades 6 through 12 who desire, and who may benefit from, a postsecondary education.

(3) Each public community college and state university president may submit to the State Board of Community Colleges and the Board of Regents, respectively, a proposal for a college reach-out grant. Each board shall consider the respective proposals and determine which proposals to implement as programs which will strengthen the educational motivation and preparation of low-income or educationally disadvantaged students.

(4) Community colleges and universities that participate must provide on-campus academic and advisory activities which are offered during summer vacation and provide opportunities for interacting with community college and university students as mentors, tutors, or role models. University proposals must provide students with an opportunity to live on campus.

(5) Community colleges and universities that participate must also provide procedures for continuous contact with students from the point at which they are selected for participation until they enroll in a postsecondary education institution in order to assist students in selecting courses required for graduation from high school and admission to a postsecondary institution and to ensure students continue to participate in program activities.

(6) In selecting proposals for approval, the State Board of Community Colleges and the Board of Regents, respectively, shall give preference to:

(a) A program that will utilize institutional, federal, or private resources to supplement state appropriations;

(b) An applicant that demonstrates success in conducting similar programs previously funded under this section;

(c) A program that includes innovative approaches, provides a great variety of activities, and includes a large number of disadvantaged and minority students in the college reach-out program; and

(d) An applicant that demonstrates commitment to the program by proposing to match the grant funds at least one-for-one in services or cash, or both.

(7) A participating community college or university is encouraged to use its resources to meet program objectives. A participating college, university, or institution shall establish an advisory committee composed of high school and junior high school personnel to provide advice and assistance in implementing its program.

(8) A proposal must contain the following information:

(a) A statement of purpose which includes a description of the need for, and the results expected from, the proposed program;

(b) An identification of the service area which names the schools to be served, provides community and school demographics, and sets forth the postsecondary enrollment rates of high school graduates within the area;

(c) An identification and description of existing programs for improving the preparation of minority and disadvantaged students for postsecondary education;

(d) A description of the proposed program which describes criteria to be used to identify students and schools for participation in the program;

(e) A description of the program activities which must encompass the following goals:

1. Identifying students who are not motivated to pursue a postsecondary education;

2. Identifying students who are not developing basic learning skills;

3. Counseling students and parents on the benefits of postsecondary education;

4. Providing supplemental instruction; and

(f) A design for program evaluation which incorporates results, procedures, and the accomplishment of objectives. The evaluation design shall include quantitative measures, including, but not limited to, the following:

1. An identification of each student, by middle school or high school, and grade level at the time of participation in the program;

2. The student's academic performance, by course, each year during and following participation in the program;

3. The student's attendance rate and disciplinary record for each year during and following participation in the program;

4. If applicable, an identification of the postsecondary institution in which the student enrolled, and

5. The student's academic performance following enrollment in a postsecondary institution.

(9) The Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and the Commissioner of Education shall appoint an advisory committee composed of representatives from the State University System, the State Community College System, the public school districts, private or community-based associations with similar programs and objectives, the Postsecondary Education Planning Commission, and the Department of Education, including, but not limited to, the equal opportunity coordinator for each sector or body represented. The committee shall review the proposals and recommend to the Board of Regents or State Board of Community Colleges, as appropriate, an order of priority for funding the proposals. Proposals shall be funded competitively.

(10) On or before October 15 of each year, universities and community colleges participating in the program shall submit to their respective boards a report on the effectiveness of its program. The report must include, without limitation:

(a) A certificate-of-expenditures form showing expenditures by category; encumbered expenses; state grant funds; and institutional matching, in cash or in services, or both;

(b) The number of students participating in the program by grade, age, sex, and race;

(c) A description of the needs for the program;

(d) A statement of how the program addresses:

1. Identification of students who do not realize the value of postsecondary education;

2. Identification of students who are not developing basic learning skills;

3. Counseling and advising of students and parents;

4. Supplemental instruction; and

5. Instruction on the relationship between good learning skills and economic and social mobility.

(e) A recommendation as to how the results of the program could be achieved by other institutions or agencies;

(f) A description of the cooperation received from other units or organizations; and

(g) An explanation of how the program accomplished its objectives, including student performance on the measures provided for in paragraph (8)(f).

(11) Funding for the college reach-out program shall be provided in the General Appropriations Act.

(12) This section expires October 1, 1994, and shall be reviewed by the Legislature prior to that date.

Section 33. Beginning with the 1984 cohort of college reach-out participants, the Department of Education shall submit to the Speaker of the House of Representatives and the President of the Senate an annual report, by university and community college, no later than December 1, 1989, specifying how participants benefited from the program. A report shall be submitted annually on each successive cohort. Such report shall include, but not be limited to:

(1) An identification of each student, by middle school or high school and grade level, at the time of participation;

(2) The student's academic performance, by course, each year following participation in the program, including grade-point average and test scores;

(3) The student's attendance rate and disciplinary record for each year following participation in the program;

(4) If applicable, an identification of the postsecondary institution in which the student enrolled; and

(5) The student's academic performance following enrollment in a postsecondary institution.

The Commissioner of Education shall annually rank, according to student success, participating postsecondary institutions for use in determining funding of future proposals.

(Renumber subsequent sections.)

Amendment 5—In title, on page 4, lines 19-30, strike all of said lines through the first semicolon (;) on line 30 and insert: F.S., to conform terminology establishing the college reach-out program; providing for grants to public community colleges and universities to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining grants under the program; providing for the appointment of an advisory committee to recommend the order of funding proposals under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; requiring the Department of Education to report on the success of students participating in the program;

Senator Stuart moved the following amendments which were adopted:

Amendment 6—In title, on page 5, line 3, following the semicolon (;) insert: amending s. 240.535, F.S.; providing for administration of the New World School of the Arts by an executive board; providing membership; creating a foundation to be governed by a board of trustees; creating the Governor's summer arts program;

Amendment 7—In title, on page 5, line 3, after the semicolon (;) insert: requiring that community college presidents and appointed district school superintendents be members of the Senior Management Service Class after a certain date;

Amendment 8—In title, on page 1, strike all of lines 2-6 and insert: An act relating to education; providing that persons

On motion by Senator Stuart, by two-thirds vote CS for HB 1226 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Brown	Casas	Childers, W. D.
Beard	Bruner	Childers, D.	Crenshaw
Deratany	Jennings	Myers	Thurman
Dudley	Johnson	Peterson	Walker
Forman	Kiser	Plummer	Weinstein
Gardner	Langley	Ros-Lehtinen	Weinstock
Girardeau	Malchon	Souto	Woodson-Howard
Gordon	Margolis	Stuart	
Grizzle	Meek	Thomas	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **SB 373** was deferred.

CS for SB 302—A bill to be entitled An act relating to the acquisition of public lands; amending s. 253.025, F.S.; deleting provisions governing the selection of fee appraisers; directing the Division of State Lands to adopt rules governing the selection of fee appraisers; directing the board of trustees to adopt criteria for appraisal reports; deleting provisions governing information to be transmitted to fee appraisers; authorizing disclosure of appraisal information to local governments and nonprofit organizations; authorizing the division to use appraisals obtained by local governments or nonprofit organizations; requiring appraisers to consider the number of dwelling units in a development under certain circumstances; deleting provisions governing appraisal techniques and appraisal reports; authorizing the Board of Trustees of the Internal Improvement Trust Fund to use appraisals obtained by the Federal Government when acquiring land for the Federal Government; directing the board of trustees to adopt by rule a method for determining the value of land for state acquisition; deleting the provisions allowing the state to pay in excess of the appraised amount for land; deleting certain restrictions with respect to joint purchases; deleting the provision allowing the state to pay for certain historical properties; providing the Department of Natural Resources with eminent domain powers under certain circumstances; amending ss. 375.031, 380.08, F.S.; providing clarifying language; providing effective dates.

—was read the second time by title.

Senators McPherson and Davis offered the following amendments which were moved by Senator McPherson and adopted:

Amendment 1—On page 2, line 7, insert:

Section 1. Subsection (a) of section 253.023, Florida Statutes, 1988 Supplement, is amended to read:

253.023 Conservation and Recreation Lands Trust Fund; purpose.—

(9) Agencies designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, individual management plans for each project designed to conserve and protect such lands and their associated natural resources. *Such plans may include transfers of leasehold or fee simple interests to appropriate conservation organizations designated by the Land Management Advisory Committee for uses consistent with the purposes of the organizations and the protection, preservation, and proper management of the lands and their resources.*

(Renumber subsequent sections.)

Amendment 2—On page 11, lines 20-30 and on page 12, lines 1-21, strike all of said lines

Amendment 3—In title, on page 1, line 31 and on page 2, lines 1 and 2, strike "providing the Department of Natural Resources with eminent domain powers under certain circumstances;"

Amendment 4—In title, on page 1, line 3, after "lands;" insert: amending s. 253.023, F.S.; providing for management plans to include activities of conservation organizations consistent with proper management of the land;

On motion by Senator Davis, by two-thirds vote CS for SB 302 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 373—A bill to be entitled An act relating to education; amending s. 236.25, F.S.; increasing the authorized millage levy for capital outlay purposes; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 373 to conform the bill to CS for HB 435.

On motions by Senator Johnson, by two-thirds vote CS for HB 435 was withdrawn from the Committees on Education; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Johnson, by two-thirds vote—

CS for HB 435—A bill to be entitled An act relating to education; amending s. 236.25, F.S.; increasing the authorized millage levy for capital outlay purposes; amending s. 235.435, F.S.; revising funding provision of the Special Facility Construction Account; providing an effective date.

—a companion measure, was substituted for SB 373 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 435 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Gardner	Malchon	Souto
Brown	Girardeau	Margolis	Stuart
Bruner	Gordon	McPherson	Thomas
Casas	Grizzle	Meek	Thurman
Crenshaw	Jennings	Myers	Walker
Deratany	Johnson	Peterson	Weinstein
Dudley	Kiser	Plummer	Weinstock
Forman	Langley	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick, Scott

The Senate resumed consideration of—

CS for SB 1355—A bill to be entitled An act relating to utilities; creating the "Underground Utility Excavation Damage Prevention and Safety Act"; creating the Underground Utility Excavation Damage Prevention Direct Support Organization; providing legislative intent; providing definitions; providing organization membership; providing powers and duties of the organization; providing for the establishment of a utility one-call notification center through which excavators can communicate plans to utility operators within a described time schedule; providing procedures; providing for liability of the operator and the excavator; providing penalties; providing an exception for emergency excavations under certain circumstances; providing for the applicability of the act to existing law; providing for future review and repeal; providing an effective date.

—as amended.

On motion by Senator Thurman, by two-thirds vote CS for SB 1355 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Deratany	Kiser	Ros-Lehtinen	
Dudley	Langley	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1048—A bill to be entitled An act relating to horseracing; creating s. 550.65, F.S.; directing thoroughbred permitholders conducting racing to withhold a certain portion from the total purse pool and to pay the same to a non-profit corporation; directing that such funds shall be used for a plan to provide medical, dental, surgical, life, funeral, and disability insurance benefits for occupational licensees who work on thoroughbred race tracks in the state; providing exceptions; providing for annual audits; specifying permissible costs; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 2, after line 30, insert:

Section 2. Subsection (2) of section 551.09, Florida Statutes, is amended to read:

551.09 Wagers and pari-mutuel pools permitted within enclosure of fronton commissions; distribution of pari-mutuel pools.—

(2) The "commission" is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single jai alai player or team in a single game, such as the win pool, the place pool, or the show pool, are referred to as "regular wagering," and the contributions to all other types of pari-mutuel pools, which include, but need not be limited to, the daily double, perfecta, quiniela, trifecta, or Big "Q" pools, are referred to as "exotic wagering."

(a) The commission which a permitholder who conducts jai alai under the provisions of this chapter may withhold from contributions to pari-mutuel pools may not exceed 17.6 percent on regular wagering and may not exceed 19 percent on exotic wagering, except that an additional 1 percent on triples, trifectas, or other similar wagers involving three or more players or teams in any game and on "pic-six" wagers may be withheld for capital improvements or to reduce capital improvement debt.

(b) In addition to withholding a commission pursuant to paragraph (a), a permitholder may withhold an additional 1 percent on any or all exotic wagers for capital improvements or to reduce capital improvement debt.

(c) A permitholder who withholds such additional sums pursuant to paragraphs (a) and (b) is bound by the definitions of capital improvements and capital improvement debt and the use of these sums as they appear in s. 550.16*; provided, however, that in addition to the uses of withheld sums which would be permissible under s. 550.16, a fronton permitholder withholding sums pursuant to this section may use such funds for the development and construction of jai alai facilities to be used for the training, practice, and development of jai alai players. Such facilities may be developed or constructed as a joint project of more than one permitholder, using sums withheld pursuant to paragraphs (a) and (b), in which event the facilities may be separate and apart from any existing fronton facility where licensed jai alai activities are conducted, provided that betting, gambling, and wagering are strictly and absolutely prohibited at such separate facilities at any and all times. The term "development" shall not include any expenses related to the ongoing operation of such facilities.*

(d) In addition to the amounts permitted to be withheld elsewhere in this section, a jai alai permitholder may withhold up to an additional 2 percent from pari-mutuel pools of exotic wagers. However, an additional surtax of 17.5 percent shall be levied on any sums withheld pursuant to this paragraph. Provided, further, that a permitholder which does not withhold the additional 1 percent of exotic wagering pursuant to paragraph (b) shall pay a surtax of 50 percent on the first 1 percent of exotic wagering withheld pursuant to this paragraph. This paragraph shall expire and be void on July 1, 1990. This repeal shall not be construed to relieve any person from the obligation to remit the taxes imposed by this paragraph.

Section 3.*(1) The Division of Pari-mutuel Wagering of the Department of Business Regulation shall study and prepare a report to be submitted to the Legislature by March 1, 1990, on the overall impact of this legislation, which shall include, but not be limited to, an analysis of:*

(a) The economic health of each jai alai permitholder and specific reasons therefor.

(b) The effect on overall handle.

(c) The effect on state tax revenues.

(d) The effect on wagering patterns.

(e) The effect on permitholder income.

(f) The specific permitholders who utilized the additional withholding authorized by this legislation and how each utilized the funds derived therefrom.

(g) The effect on capital improvements of the addition of player development facilities to the authorized uses of withholdings pursuant to s. 551.09(2)(c), Florida Statutes.

(h) The levels of withholdings in other states and the effects of increased withholdings in those states.

(2) The division shall make recommendations to the Legislature as to whether this legislation should be reenacted, amended, or remain repealed.

(Renumber subsequent sections.)

Amendment 2—On page 2, line 31, insert:

Section 2. Subsection (2) of section 550.262, Florida Statutes, 1988 Supplement, is amended to read:

550.262 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet shall be required to pay from the commission withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(b) A permitholder conducting a harness horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(c) A permitholder conducting a quarter horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(d) The Division of Pari-mutuel Wagering of the Department of Business Regulation shall adopt rules to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. Each permitholder who fails to pay out all moneys collected for payment to owners and breeders shall, within 10 days after the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate interest-bearing account to be distributed to owners and breeders in accordance with the division's rules.

~~In the event that a permitholder fails to pay the minimum purse required by this subsection, the permitholder shall, within 30 days of the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate, interest-bearing account, and the total principal and interest shall be used to increase purses during the permitholder's next meet. In the event a permitholder overpays the minimum purses, the permitholder shall be entitled to recover the amount of the overpayment in the permitholder's next meet.~~

(Renumber subsequent section.)

Senators Thurman and Thomas offered the following amendment which was moved by Senator Thurman and adopted:

Amendment 3—On page 5, strike all of lines 24 and 25 and insert:

Section 5. This act shall take effect July 1, 1989, or on becoming a law, whichever occurs later.

Senator Thurman moved the following amendments which were adopted:

Amendment 4—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 550.262, F.S.; requiring the Division of Pari-mutuel Wagering of the Department of Professional Regulation to adopt rules ensuring the payment of certain moneys withheld by permitholders conducting horse races;

Amendment 5—In title, on page 1, line 2, strike "horseracing;" and insert: pari-mutuel wagering;

Amendment 6—In title, on page 1, line 13, after "costs;" insert: amending s. 551.09, F.S.; authorizing the use of certain withheld funds for the development and construction of jai alai facilities for the training, practice, and development of jai alai players; prohibiting wagering at any such facility which is separate and apart from any existing fronton facility; increasing the authorized limit on commissions withheld on exotic wagering; providing for surtaxes; providing for a repeal date; providing for a study;

On motions by Senator McPherson, the Senate reconsidered the votes by which **Amendments 1, 3, 5 and 6** were adopted. **Amendments 1, 3, 5 and 6** were withdrawn.

On motion by Senator McPherson, by two-thirds vote CS for SB 1048 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Childers, D.	Gordon	McPherson	Thurman
Childers, W. D.	Grant	Meek	Walker
Crenshaw	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard
Dudley	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

The Senate resumed consideration of—

CS for CS for SB 1417—A bill to be entitled An act relating to education; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act; providing legislative intent; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Advisory Council; providing for membership; providing for powers and duties; requiring the Department of Education to conduct an evaluation of math and science textbooks; creating the Teacher/Quest Scholarship Program and providing procedures and criteria for participation; amending s. 240.408, F.S.; authorizing the use of funds from the Challenger Astronauts Memorial Scholarship Trust Fund for the Teacher/Quest Scholarship Program; amending s. 236.013, F.S.; redefining full-time equivalent student with respect to courses in mathematics, science, and computer education; creating s. 233.0575, F.S.; providing legislative intent; authorizing mathematics/science mentor teachers; providing qualifications; providing duties; providing for the allocation of

appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approval and for a library of information; amending s. 233.09, F.S.; requiring instructional materials recommended for adoption to be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education; providing for review and repeal; providing effective dates.

—as amended.

Senator Gardner moved the following amendments which were adopted:

Amendment 3—On page 7, lines 18-31 through page 11, lines 1-4, strike all of said lines and insert:

Section 8. Present subsections (10) and (11) of section 229.602, Florida Statutes, are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to said section to read:

229.602 Florida private sector and education partnerships.—

(10)(a) There is created the Mathematics and Science Partnership Program. Funds appropriated for this program shall be distributed by the Commissioner of Education to the state's elementary, middle, and junior high schools and developmental research schools on the basis of proposals submitted for projects that include matching fund partnerships with foundations or private-sector individuals or agencies. The ratio of matching funds for each project shall be 60 percent from private sources and 40 percent from state funds.

(b) Project proposals must include the following:

1. Identification of the school and the private entity to be involved in the partnership agreement;

2. An outline of the proposed project activities;

3. Procedures for joint planning and coordination by partnership participants;

4. A budget request describing the proposed expenditure of funds;

5. A description of the anticipated project outcomes;

6. Procedures for assessing the success of the project in achieving stated objectives;

7. Provision for reporting project results to the Department of Education and at a regional or state conference of program participants.

8. A description of how the project implements the Comprehensive Plan for Mathematics, Science, and Computer Education.

(c) Project proposals must be signed by representatives of the parties involved in the partnership agreement.

(d) The State Board of Education shall adopt forms for proposal applications.

(e) Proposals shall be funded based on the merit of proposals submitted, as determined by the commissioner, to the extent of the state funds appropriated for this purpose.

(f) Mathematics and Science Partnership Program grants shall be used to encourage initiatives from elementary and middle school teachers for teaching mathematics, science, and computer skills through programs which:

1. Allocate resources for the materials necessary to implement the curricular goals of the comprehensive plan; and

2. Develop and implement alternative classroom and laboratory designs that enhance and encourage active learning and laboratory learning in mathematics, science, and computer education.

Amendment 4—On page 18, between lines 18 and 19, insert:

Section 12. Effective July 1, 1991, section 233.0575, Florida Statutes, is created to read:

233.0575 Mathematics-science mentor teacher.—

(1) The Legislature recognizes the importance of developing skills and competencies in mathematics and science among students in the elementary grades. To further this goal, the Legislature intends to authorize the employment, and assist in the financing, of mathematics-science mentor teachers for the elementary grades of the public schools.

(2) District school boards may employ mathematics-science mentor teachers for the elementary grades and may seek state financial assistance as authorized by the Legislature.

(3) A mathematics-science mentor teacher must:

(a) Have a valid Florida teaching certificate for the elementary grades.

(b) Have a minimum of 3 years' teaching experience in the elementary grades.

(c) Have demonstrated, by receiving above average ratings on annual evaluations, effectiveness in working with students of various abilities, remedial through advanced.

(d) Have earned not less than 30 semester hours of college credit at the undergraduate level, graduate level, or a combination of undergraduate and graduate levels, outside of a college of education, or its equivalent in inservice training, in the areas of mathematics and science, including a minimum of 12 hours each of mathematics and science.

(e) Have earned not less than 24 semester hours of college credit at the undergraduate level, graduate level, or a combination of undergraduate and graduate levels, or its equivalent in inservice training, in methods and materials of teaching mathematics and science in the elementary grades, including a minimum of 10 hours each of mathematics and science and 3 hours in diagnostic and remedial procedures in mathematics.

(f) In the judgment of the district school board, possesses the qualifications and necessary experience to serve in such a leadership capacity.

(4) An individual who does not meet the criteria specified in subsection (3) may be employed as an elementary mathematics-science mentor teacher if the district school board approves a plan recommended by the school principal or principals whereby the individual will satisfy those requirements within a 2-year period.

(5) The duties and responsibilities of mathematics-science mentor teachers are:

(a) Working with the district curriculum coordinator and the school curriculum coordinator in providing school staff with inservice training in mathematics and science.

(b) Contributing the expertise needed to assist in directing and implementing the mathematics and science program in the district.

(c) Working with the district curriculum coordinator and the school curriculum coordinator in planning all of the instructional objectives, from basic skills through the standards of excellence, in the school district guidelines.

(d) Working with the district curriculum coordinator, the school curriculum coordinator, and designated district personnel to develop science and mathematics curricula that prepare students to live and work in the 21st century.

(e) Guiding teachers in the use of diagnostic techniques for implementation of improved prescriptive approaches to classroom instruction.

(f) Assisting with diagnostic services for students with acute learning problems in mathematics or science and with appropriate instructional activities for students with a marked proclivity for science or mathematics.

(g) Assisting the school staff in organizing and managing mathematics and science skills as an integral part of other subject areas, where appropriate.

(h) Communicating information about the mathematics and science program both to parents and to the community.

(i) Conducting special mathematics or science classes or laboratories to demonstrate effective instructional strategies.

(6) Before the school district may receive financial assistance for a mathematics-science mentor program, each district school board must submit to the Commissioner of Education a plan for implementing the program. The state Board of Education shall adopt rules to provide for

the periodic evaluation of the mathematics-science programs within the districts. The Commissioner of Education shall report the findings of these evaluations to the President of the Senate, the Speaker of the House of Representatives, the chairman of the Senate Committee on Appropriations, and the chairman of the House Committee on Appropriations.

Section 13. Pilot projects.—

(1) The Commissioner of Education shall inform all district school boards of the opportunity to request approval for the development and implementation of pilot project model programs that use an elementary mathematics-science mentor teacher to increase the proficiency of teachers in mathematics and science and to improve student skills and competencies in these areas. No more than three approved pilot projects may be allocated to each school district. The school districts chosen to participate must be representative of small, medium, and large school districts.

(2) School districts that receive approval of one or more pilot projects shall agree to provide to the commissioner:

(a) A project budget and an accounting of actual expenditures for salaries and benefits, consultants, inservice training, travel, equipment, and consumable supplies.

(b) Documentation of the procedures used in planning, developing, and implementing the project, including the necessity for any substantial changes made from the original project design.

(c) Data, collected in the evaluation of the project, which relates to increased student competence and teacher proficiency.

(d) Ten copies of the materials required in paragraphs (a), (b), and (c), presented in a manner to enable another school district to initiate a similar program without the necessity of initial experimentation.

(3) The Commissioner of Education shall, in approving requested pilot projects for 1989-1990, evaluate the requested project budget in relation to the remaining time in fiscal year 1989-1990, and may approve and allocate appropriated funds accordingly. The same procedure shall be used for approving projects for fiscal year 1990-1991, provided that projects approved for 1989-1990 and not yet completed at the end of that fiscal year may be reapproved for continuation in 1990-1991, within any maximum allocation per project that is prescribed by the Legislature.

(4) The Commissioner of Education shall maintain a library of information pertaining to the pilot project model programs and shall make this information readily available to school districts.

Section 14. Section 233.0575, Florida Statutes, is repealed June 30, 1995, and shall be reviewed by the Legislature prior to such date.

Section 15. Section 236.1228, Florida Statutes, is created to read:

236.1228 Accountability Program Grants.—

(1) INTENT.—The intent of the Legislature is to:

(a) Assure that lottery funds will enhance a high school's productivity, including improvement of student outcomes.

(b) Challenge each high school to develop and achieve productivity indicators or student outcome indicators in its area of greatest need.

(c) Form partnerships between the state, districts, and high schools in the development of a positive accountability system to improve productivity, including student outcomes.

(d) Challenge the students, parents, staff, the community, and business partners of each high school to form partnerships to improve productivity and meet student outcome indicators.

(e) Provide an opportunity for high schools to showcase improvements in productivity and student outcomes.

(f) Encourage the department to publish and distribute reports that display student outcomes by school and district.

(2) GRANTS.—There is hereby created an incentives grant program for public high schools that achieve accountability on productivity, including student outcome indicators. The program shall reward high schools for meeting specified statewide indicators for improving productivity, including student outcomes in educational programs. The grant program shall be administered by the Commissioner of Education. The Commissioner of Education shall provide instructions to districts and schools necessary for the implementation of this section, including a designation of math and science courses by level.

(3) DEFINITION.—For the purposes of this section, the term "high school" means a school with grade 12 and at least two other grades with at least one-half of the current grades 9 through 12 full-time equivalent student membership in the 9 through 12 basic and dropout prevention programs.

(4) STATEWIDE INDICATORS.—

(a) A high school's annual allocation will be determined based on the district's and the school's achievement of statewide indicators. The superintendent shall recommend and the school board shall adopt a plan which contains student outcome indicators by school and the strategies to be used in improving productivity, including student outcomes.

(b) The statewide indicators are:

1. Improve graduation rate.—The statewide goal is to achieve a graduation rate of 85 percent by 1992. The graduate rate will be based on the number of students receiving standard diplomas, special diplomas, and certificates of completion. The district annual graduation rate indicator shall be at least an increase of one percentage point or one-third of the difference between the second preceding year and 85 percent, whichever is greater.

2. Improve dropout rate.—The statewide goal is to achieve a dropout rate in high school of 4 percent or less by 1992. The district and high school annual dropout rate indicator for the high school shall be 6 percent or less and the district average shall be 4 percent or less for grades 9 through 12.

3. Improve promotion rate.—The statewide goal is to achieve a 95-percent promotion rate from grade to grade in grades 9 through 12 by 1992. The district and high school annual promotion rate indicator for the high school from grade to grade in grades 9 through 12 shall be 94 percent or higher and the district average shall be 95 percent or higher for grades 9 through 12.

4. Increase enrollment in and completion of upper level science courses.—The statewide goal is to have 20 percent or more of the high school students enrolled in and completing level 3 science courses, 55 percent or more of the high school students enrolled in level 2 science courses, and 20 percent or less of the high school students enrolled in level 1 science courses by 1992. Components of the district and high school annual science enrollment indicator are:

a. For level 3 science courses, the high school shall have 15 percent or more of the grades 9 through 12 students enrolled in level 3 science courses and the district average shall be 20 percent or more of the grades 9 through 12 students enrolled in level 3 science courses;

b. For level 2 science courses, the high school shall have 45 percent or more of the grades 9 through 12 students enrolled in level 2 science courses and the district average shall be 55 percent or more of the grades 9 through 12 students enrolled in level 2 science courses; and

c. For level 1 science courses, the high school shall have 30 percent or less of the grades 9 through 12 students enrolled in level 1 science courses and the district average shall be 20 percent or less of the grades 9 through 12 students enrolled in level 1 science courses.

5. Increase enrollment in and completion of upper level mathematics courses.—The statewide goal is to have 15 percent or more of the high school students enrolled in and completing level 3 math courses, 50 percent or more of the high school students enrolled in level 2 math courses, and 30 percent or less of the high school students enrolled in level 1 math courses by 1992. Components of the district and high school annual mathematics enrollment indicator are:

a. For level 3 math courses, the high school shall have 10 percent or more of the grades 9 through 12 students enrolled in level 3 math courses and the district average shall be 15 percent or more of the grades 9 through 12 students enrolled in level 3 courses;

b. For level 2 math courses, the high school shall have 40 percent or more of the grades 9 through 12 students enrolled in level 2 math courses and the district average shall be 50 percent or more of the grades 9 through 12 students enrolled in level 2 math courses; and

c. For level 1 math courses, the high school shall have 40 percent or less of the grades 9 through 12 students enrolled in level 1 math courses and the district average shall be 15 percent or less of the grades 9 through 12 students enrolled in level 1 math courses.

6. Improve utilization of postsecondary feedback report.—The statewide goal is to reduce annually the high school's graduates who are enrolled in a degree program and are referred for remediation in mathematics, reading, and writing in public colleges and universities by 50 percent of the number for the second preceding year. The district and high school annual referrals for remediation indicators for high school shall be a reduction of 40 percent or more and the district's average reduction shall be 50 percent or more of the number for the second preceding year.

(5) FUNDING.—

(a) The Department of Education shall distribute funds on September 10 of each succeeding school year to the respective school districts which have schools that are eligible for accountability program grants. The funds allocated for each school shall be used by the school to improve productivity, including student outcomes.

(b) To be eligible for a grant, a school must carry out one of the following plans:

1. Plan I.—Select and achieve four statewide indicators including subparagraph (4)(b)1.;

2. Plan II.—Select and achieve five statewide indicators including subparagraph (4)(b)1.; or

3. Plan III.—Select and achieve six statewide indicators.

(c) Funding will be provided as follows unless otherwise stated in the appropriations act:

School Membership	Plan I	Plan II	Plan III
2,000 +	$25,000	$50,000	$75,000
1,000-1,999	$20,000	$40,000	$60,000
300-999	$15,000	$30,000	$45,000
1-299	$10,000	$20,000	$30,000

If the funds appropriated will not fully fund the calculated allocation, the department shall prorate the amount allocated.

(d) The high school in each of the state goal areas which exceeds the state goal by the highest percentage will receive $25,000.

(e) The district in the state which has the highest or lowest percentage, as applicable, on each of the state indicators will receive $25,000 to be used to improve the high school instructional programs.

Section 16. Section 232.2467, Florida Statutes, is created to read:

232.2467 Graduation rate.—

(1) DEFINITION.—As used in this section and s. 236.1228, the term "graduation rate" means the percentage calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. The State Board of Education may adopt rules to implement this subsection.

(2) REPORTS.—

(a) The Commissioner of Education shall develop and distribute annually, district by district, graduation rates as defined in subsection (1).

(b) The Commissioner of Education shall develop and distribute annually, district by district and school by school, where appropriate, reports for the indicators identified in s. 236.1228.

Section 17. Section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—

(1) All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

(2) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, such as those provided for in s. 236.1228 for the accountability program and s. 231.532 for merit schools, may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

(Renumber subsequent sections.)

Amendment 5—In title, on page 2, line 2, after the semicolon (;) insert: creating s. 233.0575, F.S.; providing legislative intent; authorizing school districts to employ mathematics-science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approving pilot projects; requiring a library of information; providing for review and repeal; creating s. 236.1228, F.S.; providing legislative intent; creating an incentives grant program for public high schools; defining the term "high school"; providing achievement indicators; providing for program funding; creating s. 232.2467, F.S.; defining "graduation rate"; providing for rulemaking; requiring reports; amending s. 236.13, F.S.; exempting certain incentives funds from use in federal compliance standards;

On motion by Senator Gardner, by two-thirds vote CS for CS for SB 1417 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	Meek	Thurman
Childers, D.	Grant	Myers	Walker
Childers, W. D.	Grizzle	Peterson	Weinstein
Davis	Jennings	Plummer	Weinstock
Deratany	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **CS for SB 1061 and CS for SB 1279** was deferred.

SB 1364—A bill to be entitled An act relating to public school transportation; amending s. 234.051, F.S.; revising the definition of the term "school bus" for purposes of ch. 234, F.S., relating to the transportation of public school students; revising a provision that specifies which school buses must meet certain federal and state standards; requiring students to use occupant protection systems on school buses; creating s. 234.055, F.S.; prohibiting district school boards from providing for the transportation of public school students by motor vehicles other than school buses; providing exceptions in specified circumstances; providing for the use of a privately owned motor vehicle to transport students in specified circumstances; requiring notification and authorization of the parent or guardian of a student who is transported in a privately owned motor vehicle; specifying the maximum amount of liability for damages that may be recovered by passengers in such privately owned motor vehicles; specifying the liability of drivers of such motor vehicles; authorizing district school boards to adopt rules relating to the transportation of students in privately owned motor vehicles; requiring students to use occupant crash protection systems while riding in privately owned vehicles to and from school-related activities; authorizing the State Board of Education to adopt rules to implement the section; amending s. 234.211, F.S.; requiring certain agencies to indemnify school districts for liability arising from the use of school buses to provide transportation to certain disadvantaged persons; specifying the amount of liability insurance coverage that certain nonprofit corporations and organizations must have in order to use school buses to provide transportation to such persons; amending s. 236.083, F.S.; including students in teenage parent programs in the calculation of funds for student transportation; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 3, strike all of lines 27-30 and insert:

234.055 Transportation of students.—

On motion by Senator Peterson, by two-thirds vote SB 1364 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Kiser	Ros-Lehtinen
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The President presiding

CS for SB 1061—A bill to be entitled An act relating to community residential homes; providing definitions; requiring notice to local government of intent to establish a community residential home; specifying contents of notice; providing for response; specifying time period; providing for public hearing; providing for resolution of certain conflicts by the Secretary of Community Affairs; providing for mediation; providing for hearing and final order; exempting certain jurisdictions from the requirements of this act; providing for the exclusion of certain persons; providing duties of the Department of Health and Rehabilitative Services with respect to the licensee; requiring the department to establish a statewide registry of community residential homes; requiring the department to provide certain assistance to local governments; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1061 to conform the bill to CS for CS for HB 1269.

Pending further consideration of CS for SB 1061 as amended, on motion by Senator Forman, by two-thirds vote CS for CS for HB 1269 was withdrawn from the Committees on Community Affairs; Health and Rehabilitative Services; and Appropriations.

On motion by Senator Forman—

CS for CS for HB 1269—A bill to be entitled An act relating to community residential homes; providing definitions; providing siting requirements for certain community residential homes, including certain required notice; providing duties and authority of district administrators of the Department of Health and Rehabilitative Services and local governments with respect thereto; providing for mediation of conflicts; providing for certain denial or nullification of license to operate such a home; providing for applicability of local laws and zoning ordinances; providing for applicability to existing homes and certain residents; requiring the department to establish a statewide registry of all licensed community residential homes; providing for specified information therein; providing for certain technical assistance to local governments; providing restrictions on the release of confidential information; providing an effective date.

—a companion measure, was substituted for CS for SB 1061 and read the second time by title.

Senator Malchon moved the following amendment which failed:

Amendment 1—On page 2, line 31, strike "*1,000*" and insert: *2,500*

Senators Dudley and Plummer offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2—On page 2, strike all of lines 25-29 and insert: *deemed a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in multi-family zoning without approval by the local*

The vote was:

Yeas—19

Bankhead	Childers, W. D.	Jennings	Ros-Lehtinen
Beard	Dudley	Johnson	Souto
Bruner	Gardner	Kiser	Thomas
Casas	Grant	Langley	Thurman
Childers, D.	Grizzle	Plummer	

Nays—15

Mr. President	Deratany	Kirkpatrick	Weinstein
Brown	Forman	McPherson	Weinstock
Crenshaw	Girardeau	Peterson	Woodson-Howard
Davis	Gordon	Stuart	

On motion by Senator Forman, by two-thirds vote CS for CS for HB 1269 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Peterson	Weinstock
Childers, D.	Grant	Plummer	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Jennings	Scott	
Davis	Johnson	Souto	

Nays—None

On motion by Senator Thomas, the rules were waived and the Senate reverted to—

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Thomas, the rules were waived by unanimous consent and the following bill was introduced out of order notwithstanding the fact that the final day had passed for introduction of bills:

By Senator Thomas—

SB 1564—A bill to be entitled An act relating to state building designation; designating the new Auditor General's building as the "Claude Denson Pepper Building"; providing an effective date.

—which was referred to the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote SB 1564 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Thomas, by unanimous consent SB 1564 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Reconsideration

On motion by Senator McPherson, the Senate reconsidered the vote by which—

CS for SB 1048—A bill to be entitled An act relating to horseracing; creating s. 550.65, F.S.; directing thoroughbred permitholders conducting racing to withhold a certain portion from the total purse pool and to pay the same to a non-profit corporation; directing that such funds shall be used for a plan to provide medical, dental, surgical, life, funeral, and dis-

ability insurance benefits for occupational licensees who work on thoroughbred race tracks in the state; providing exceptions; providing for annual audits; specifying permissible costs; providing an effective date.

—as amended passed this day.

Senator Thurman moved the following amendments which were adopted by two-thirds vote:

Amendment 7—On page 2, lines 7-31 and on page 3, lines 1-4, strike all of said lines and insert:

(c) A permit holder who withholds such additional sums pursuant to paragraphs (a) and (b) is bound by the definitions of capital improvements and capital improvement debt and the use of these sums as they appear in s. 550.16.

Amendment 8—In title, on page 1, strike all of lines 12-18 and insert: amending s. 551.09, F.S.; increasing the

On motion by Senator McPherson, by two-thirds vote CS for SB 1048 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.
Crenshaw	Grizzle	Myers	Thurman
Davis	Jennings	Peterson	Walker
Deratany	Johnson	Plummer	Weinstein
Dudley	Kirkpatrick	Ros-Lehtinen	Weinstock
Forman	Kiser	Scott	Woodson-Howard
Gardner	Langley	Souto	
Girardeau	Malchon	Stuart	
Grant	McPherson	Thomas	

Nays—None

On motion by Senator Margolis, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote CS for SB 1124 was withdrawn from the Committee on Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 30 was corrected and approved.

CO-INTRODUCERS

Senator Deratany—SB 1124; Senator Souto—CS for SB 1211; Senator Woodson-Howard—SB 1233; Senator Ros-Lehtinen—CS for CS for SB 1298

RECESS

On motion by Senator Scott, the Senate recessed at 7:05 p.m. to reconvene at 9:00 a.m., Thursday, June 1.